

## APPELLATE CRIMINAL.

*Before Mr. Justice Jackson.*

*In re* NANDIPATI RAMIREDDI AND ANOTHER  
(ACCUSED), PETITIONERS.\*

1930,  
December 17.

*Criminal trial—Practice—Accused persons anticipating defence  
—Petitions to trial Court and written orders thereon—  
Revision.*

The practice of accused persons before they are charged and put upon their defence anticipating their defence by petitions on which the trial Court passes written orders is misconceived. They must wait till they are charged before they defend themselves; and if they are convicted their first remedy in most cases will be by way of appeal.

PETITION under sections 435 and 439 of the Code of Criminal Procedure, 1898, and section 107 of the Government of India Act, praying the High Court to revise the order of the Court of the Sub-Magistrate of Pamarru, dated 1st December 1930, and made in Calendar Case No. 228 of 1930.

A complaint was preferred against the accused under sections 447, 323 and 325 of the Indian Penal Code in the Court of the Sub-Magistrate of Pamarru, Kistna District. A petition was filed by the accused praying for the examination of certain witnesses to prove that the offences were compounded. The complainant was absent and after hearing the evidence of two witnesses cited by the accused, the Court found that there was no completed composition of the offences under section 345 of the Code of Criminal Procedure and dismissed the petition. Against that order of

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\* Criminal Revision Case No. 914 of 1930.

RAMIREDDI,  
In re.

dismissal a Criminal Revision Petition was filed in the High Court praying the High Court to revise the order. The case came on for admission.

*V. Pattabhirama Sastri* for petitioners.

### JUDGMENT.

It seems that an entirely wrong system of procedure is developing in the lower Courts. Accused persons before they are charged and put upon their defence anticipate their defence by petitions on which the trial Court writes written orders, and these are then brought up on revision. The procedure is quite misconceived. An accused person must wait till he is charged before he defends himself, and if he is convicted his first remedy is in most cases by way of appeal. At this stage there is no room for revision.

The Criminal Revision Petition is dismissed.

B.C.S.

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### APPELLATE CRIMINAL.

*Before Mr. Justice Sundaram Chetti.*

*In re* VELIVALLI BRAHMALAH AND TWO OTHERS

(ACCUSED Nos. 1 to 3), PETITIONERS.\*

1930,  
July 28.

*Code of Criminal Procedure, 1898, sec. 265 (2)—Judgment of a Bench of Magistrates—Necessity for signature—Compliance with mandatory provision of section—One member initialling judgment, others signing—Whether an irregularity cured by sec. 537 of Code—Practice of Bench granting copies of judgments with signature of presiding magistrate alone.*

A judgment of a Bench of Magistrates has to be signed as required by section 265 (2) of the Code of Criminal Procedure, and the requirements of public policy necessitate the writing of the full name of the Magistrate signing the

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\*Criminal Revision Case No. 990 of 1929.