

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 10TH DAY OF SEPTEMBER 2015/19TH BHADRA, 1937

Crl.Rev.Pet.No. 1118 of 2015 ()

CC 130/2007 of JUDICIAL FIRST CLASS MAGISTRATE COURT-II, ATTINGAL
CRIME NO. 99/2003 OF MANGALAPURAM POLICE STATION, THIRUVANANTHAPURAM
DISTRICT

REVISION PETITIONER/DE-FACTO COMPLAINANT:

SEENATH BEEVI, AGED 45 YEARS
W/O.NAUSHAD, D/O.KOCHAHMED PILLAI
KIZHAKKUMPURATHU VEEDU, MOHANAPURAM, KOYTHOORKONAM
THIRUVANANTHAPURAM, FROM KONATHU PANAYIL VEEDU
MANVILA, KULATHOOR, THIRUVANANTHAPURAM.

BY ADV. SRI.M.DINESH

RESPONDENTS/RESPONDENTS/COMPLAINANT AND ACCUSED:

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- 1. STATE OF KERALA**
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM - 682 031.
 - 2. NOUSHAD, S/O.MUHAMMAD HANEEFA, KIZHAKKUMPURATHU VEEDU**
KOITHOORKONAM, VELLOOR MURI, ANDOORKONAM VILLAGE.
 - 3. BASHEER S/O.ISMAIL, KAVADIVARATHU VEEDU**
MOHANAPURAM, KOITHOORKONAM
ANDOORKONAM VILLAGE.

R1 BY PUBLIC PROSECUTOR SRI. JUSTIN JACOB

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 10-09-
2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

SD

P. UBAID, J.

Crl.R.P.No.1118 of 2015

Dated this the 10th day of September, 2015

O R D E R

The petitioner herein is the defacto complainant in a prosecution under Section 498A IPC. She is aggrieved by the judgment of acquittal made by the trial court under Section 248 (1)Cr.P.C. The said judgment of acquittal is challenged in this revision. As a victim of offence, she has right to file appeal against the acquittal under the proviso to Section 372 Cr.P.C. When remedy of appeal is provided, a revision by the person who is given right to appeal cannot be entertained by the High Court, as provided under Section 401(4) Cr.P.C. Realising this legal aspect, the learned counsel seeks permission to withdraw this Crl.R.P. with liberty to file a proper appeal against the judgment of acquittal, as a victim. The submission is accepted, permission is accordingly granted, and the Crl.R.P. is dismissed as withdrawn, without prejudice to the right of the petitioner to file a proper appeal under the law, subject to the law of limitation.

Sd/-

P. UBAID, JUDGE

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