

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 16TH DAY OF NOVEMBER 2015/25TH KARTHIKA, 1937

Crl.R.P. No. 1466 of 2015

**AGAINST THE JUDGMENT IN C.C. No.758/2010 OF
CHIEF JUDICIAL MAGISTRATE,KASARAGOD DATED 18-08-2015
CRIME NO. 450/2010 OF KUMBLA POLICE STATION , KASARGOD**

REVISION PETITIONER(S)/DEFACTO COMPLAINANT:

**BADARUNNISA, AGED 29 YEARS,
D/O.UMMERABBA, W/O. MOIDEEN, RESIDING AT SUNNADA HOUSE,
POST CHIPPAR, VIA UPPALA, KASARAGOD TALUK & DISTRICT.**

BY ADV. SRI. K.P.HARISH

RESPONDENT(S)/ACCUSED & STATE:

- 1. MOIDEEN @ MOIDEEN KUNHI, AGED 35 YEARS,
S/O. LATE HASSAINAR, RESIDING AT BADARIYA MANZIL,
AGARTHIMOOLA, BEKOOR, KUBANNUR VILLAGE,
KASARAGOD DISTRICT - 671 551.**
- 2. BEEFATHIMMA, AGED 58 YEARS,
W/O. LATE HASSIANR, RESIDING AT BADARIYA MANZIL,
AGARTHIMOOLA, BEKOOR, KUBANNUR VILLAGE,
KASARAGOD DISTRICT - 671 551.**
- 3. KHADEEJA, AGED 38 YEARS,
D/O. LATE HASSAINAR, RESIDING AT BADARIYA MANZIL,
AGARTHIMOOLA, BEKOOR, KUBANNUR VILLAGE,
KASARAGOD DISTRICT - 671 551.**
- 4. MUHAMMED, AGED 50 YEARS,
S/O. ABDUL KHADER, RESIDING AT PAIKKA HOUSE,
BALANADUKKAM, NEKRAJE VILLAGE,
KASARAGOD DISTRICT - 671 544.**
- 5. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**

R5 BY PUBLIC PROSECUTOR SRI. JUSTIN JACOB

**THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON
16-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

P. UBAID, J.

Crl.R.P. No.1466 OF 2015

Dated this the 16th day of November, 2015

ORDER

This is a revision brought against the judgment of acquittal made by the trial court. The revision petitioner is the victim of offence. Her right is to file appeal against the judgment of acquittal under the proviso to Section 372 of Cr.P.C., before the Court of Session. Instead, she has brought this revision petition before this Court.

2. Now the learned counsel seeks permission to withdraw this revision with liberty to file proper appeal before the Court of Session. When appeal is the remedy, revision before this court is bad. Of course, the question of delay may arise when an appeal is now filed. The revision petitioner will have to file an application along with the appeal, for condonation of delay.

The submission made by the learned counsel is accepted. Accordingly the revision petition is dismissed, without prejudice the right of the revision petitioner to file appeal against the judgment of acquittal, of course subject to the question of delay, which the appellate court will have to decide.

Sd/-
P. UBAID
JUDGE

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PA to Judge