

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27-07-2015

Coram

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Criminal Revision Case No. 333 of 2010

Rajam

.. Petitioner/P.W.1./
Defacto Complainant

Versus

1.The State

Sub-Inspector of Police
Annadanapatty Police Station,
(Crime No.1288 of 2007)

...Respondent 1/Complainant

2.N.S.Subramanian

.. Respondent2/Accused

Criminal Revision Case filed under Sections 397 r/w 401 of Cr.P.C. against the Judgment dated 02.12.2009 made in C.C. No. 203 of 2007 on the file of the Judicial Magistrate No.IV, Salem.

For Petitioner : Mr.T.Sivagnanasambandan

For Respondents : Mr.V.Arul
Government Advocate (Crl.Side)
for R.2

ORDER

It is the case of the complainant that the complainant and the accused have worked together in Salem Fort Branch of Indian Bank. Subsequently, the accused was transferred to Vedugam Branch. The accused visited the complainant's house frequently unnecessarily. The accused used to visit the house only when complainant was alone. Even he had followed her when she was visiting market and while going to office and he also made many telephone calls to her. On the occurrence day, the accused came in a vehicle behind the complainant, while she was driving and blocked her and compelled her to come along with him and had taken the key of her vehicle. Hence, a case was registered against him, for the offences punishable under Sections 4 of Tamil Nadu Prohibition of Women harassment Act, 2002. The case was taken on file in C.C.No.203 of 2007 on the file of the learned Judicial Magistrate No.IV, Salem. After trial, by judgment dated 02.12.2009, the second respondent was acquitted by the Trial Court. Aggrieved against the same, P.W.1 has filed this Criminal Revision Case.

2. At this juncture, it is pertinent to note that as against the judgment of acquittal passed by the Trial Court only an appeal would lie after the insertion of proviso to Section 372 of Cr.P.C. by the Criminal Procedure Code (Amendment) Act, 2008 (5 of 2009) with effect from 31.12.2009. It is relevant to refer to Section 372 of Cr.P.C. which reads as follows:-

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"372. No appeal to lie unless otherwise provided.-- No appeal shall lie from any judgment or order of a Criminal Court except as provided for by this Code or by any other law for the time being in force.

Provided that the victim shall have a right to prefer an appeal against any order passed by the Court acquitting the accused or convicting for a lesser offence or imposing inadequate compensation, and such appeal shall lie to the Court to which an appeal ordinarily lies against the order of conviction of such Court.

Amendment Act, 2008.-- Clause 29 amends section 372 of the Code relating to appeals from judgment or order of a Criminal Court. It gives to the victim the right to prefer an appeal against any adverse order passed by the trial Court."

3. Having regard to above, this Criminal Revision Case is dismissed. However, the petitioner is given liberty to file an appeal before the appropriate forum since, as against an order of acquittal, the victim is given the right to prefer an appeal in view of the above said provision. It is made clear that the period of pendency of this revision before this Court shall not be taken into account by the Appellate Authority, while calculating the period of limitation.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

smi

Note: Office is directed to return back the originals, if any, to the petitioner's counsel after retaining xerox copy in the bundle.

To

1.The Judicial Magistrate No.IV, Salem.

2.The Chief Judicial Magistrate, Salem.

3. The Sub-Inspector of Police
Annadanapatty Police Station,
Theni.

4. The Public Prosecutor, High Court, Madras.

+1 cc to M/s.T.Sivagnanasambandan, Advocate, sr.38112

+1 cc to M/s. S.Vadivel Murugan, Advocate, Sr.38131.

Crl.R.C. No. 333 of 2010

aca(co)
kra(11/08)



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