

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24-08-2015

CORAM

THE HON'BLE MR. JUSTICE B. RAJENDRAN

Criminal Revision Case No. 971 of 2013

M.Muthukrishnan

... Petitioner

Versus

1. State of Tamilnadu
represented by the Sub-Inspector of Police
District Crime Branch
Salem
(Crime No.7 of 2009)

2. Chandran
3. Kandasamy

... Respondents

Criminal Revision Case filed under Section 397 read with Section 401 of Cr.P.C. against the Judgment dated 06.02.2012 made in C.C. No. 22 of 2009 on the file of the Judicial Magistrate No.I, Mettur.

For Petitioner	:	Mr.Karthikeyan
For Respondents	:	Mr.V.Arul,
		Government Advocate (Crl.Side)
		for first respondent.
		Mr.N.Raja Senthoo Pandian
		for R.2 and R.3

ORDER

The revision is filed against the judgment of acquittal made in C.C. No. 22 of 2009 on the file of the Judicial Magistrate No.I, Mettur, dated 06.02.2012.

2. The revision is filed against the judgment of acquittal passed by the Trial Court on 06.02.2012. At this juncture, I have to state 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:-

"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 against the order passed by the Trial Court after insertion of the 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. When liberty is given by this Court, the Appellate Court shall take into consideration that the petitioner is entitled to get the period of limitation to be excluded during which the Criminal Revision Case is pending before this Court.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

paa
To

Sub Assistant Registrar

1. The Sub-Inspector of Police
District Crime Branch
Salem
2. The Judicial Magistrate No.I
Mettur.

Copy To

The Section Officer,
Criminal Section,
High Court, Madras.

+1cc to M/s.N.Rajasenthoorpandian, Advocate, S.R.No.44758

+1cc to M/s.S.Karthikeya, Advocate, S.R.No.45010

Cr1.R.C. No. 971 of 2013

CNR (CO)

CA(1/10/2015)