

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

Crl.A.No.299 of 2012

JUDGMENT:

This Criminal Appeal is filed under Section 372 Cr.P.C. challenging the judgment dt.09-12-2011 in Special S.C.No.4 of 2011 of the Special Judge for Trial of Offences under S.Cs. & S.Ts. (POA) Act-cum-VI Additional Metropolitan Sessions Judge, Secunderabad acquitting the respondent Nos.1 to 4 for offences under Section 420 IPC and Section 3 (1) (x) of S.C & S.T. (POA) Act, 1989.

2. The incident in question out of which this case arose took place on 17-08-2009. Proviso to Section 372 Cr.P.C. introduced vide Act 5 of 2009 with effect from 31-12-2009, enables a victim to prefer an appeal against an order passed by the Court acquitting the accused.

3. In **D.Sudhakar Vs. Panapu Sreenivasulu @ Evone Water Sree and others**^[1], a Division Bench of this Court held that where incident out of which the case arose took place prior to 31-12-2009, the victim cannot invoke the proviso under Section 372 Cr.P.C. and then file an appeal.

4. In this view of the matter, the Criminal Appeal is not maintainable and the same is accordingly dismissed. However, it is open to the appellant to avail

any other remedy available at law.

5. As a sequel, miscellaneous petitions pending, if any, shall stand disposed of.

JUSTICE M.S.RAMACHANDRA RAO

Date: 09.03.2015

Note:

Registry to return the certified copy of the impugned judgment to the learned counsel for the appellant.

B/o.

Kvr

[\[1\]](#) 2013 (1) ALD (CrI) 366 (A.P.)