

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

Crl.A.No.1201 of 2014

JUDGMENT:

Heard the learned counsel for the appellant and Sri S.R.Sanku, learned counsel for 2nd respondent.

2. This Criminal Appeal is filed by the *de facto* complainant under Section 372 Cr.P.C. challenging the acquittal of 2nd respondent in Crl.A.No.299 of 2012 by the III Additional Sessions Judge, Bhimivaram in its judgment dt.15-09-2014.

3. The incident in question in relation to this Criminal Appeal had occurred on 17-04-2006 long prior to 31-12-2009.

4. In **D.Sudhakar Vs. Panapu Sreenivasulu @ Evone Water Sree and others**^[1], a Division Bench of this Court held that in respect of incidents which have occurred prior to 31-12-2009, the victim cannot invoke the proviso Section 372 Cr.P.C. and file an appeal and that the said proviso has only prospective operation. Therefore, this Criminal Appeal under Section 372 Cr.P.C. is not maintainable.

5. Realizing the same, the learned counsel for the appellant wishes to withdraw this Criminal Appeal with liberty to avail other remedies.

6. Accordingly, granting liberty as sought, this Criminal Appeal is dismissed as withdrawn.

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

JUSTICE M.S.RAMACHANDRA RAO

Date: 25.02.2015

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