

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

Crl.A.No.57 of 2015

JUDGMENT :

This Appeal is filed under Section 372 Cr.P.C. by the appellant challenging the judgment dt.22.09.2014 in C.C.No.371 of 2009 on the file of the Judicial Magistrate of First Class Special Mobile, Chittoor.

2. The incident in question out of which the said Calendar Case No.371 of 2009 arose took place on 19.07.2007.

3. As per proviso to Section 372 Cr.P.C., only if the incident had occurred after 31.12.2009, an appeal by a victim is permissible.

4. In **D. Sudhakar v. Panapu Sreenivasulu**^[1], a Division Bench of this Court held that an appeal under the proviso to Section 372 Cr.P.C. by a victim cannot be filed, if the incident in respect of which the CC was filed, had occurred prior to 31.12.2009.

5. Having regard to the said fact, and in the facts of the present case, since the incident in question out of which the appeal arises took place prior to 31.12.2009, I am of the opinion that the appeal is not maintainable.

6. It is open to petitioner to avail any other remedy available to him in law. With the above observations, the Criminal Appeal is dismissed.

7. Miscellaneous applications, pending if any, in this Criminal Appeal, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 24-02-2015

Ndr/*

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