

**THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA
RAO**

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CRIMINAL APPEAL No.1126 of 2014

JUDGMENT:

This appeal is preferred under Section 372 Cr.P.C. by the appellant challenging the judgment dt.15-07-2014 in Crl.Appeal No.109 of 2012, whereby the V Addl. Sessions Judge, Bhongir has set aside the judgment dt.18-07-2012 of the Principal Judicial First Class Magistrate, Bhongir in C.C.No.826 of 2007 and acquitted the respondents.

2. Admittedly, the incident in question out of which this prosecution was commenced, took place on 18-05-2007 prior to 31-12-2009, the date on which the proviso to Section 372 Cr.P.C. was introduced by the Parliament by Act V of 2009.

3. In **D.Sudhakar Vs. Panapu Sreenivasulu @Evone Water Sreenivasulu and others**^[1], a Division Bench of this Court held that a victim would have the right to prefer an appeal against the order passed by the Court acquitting the accused, provided the incident in question took place prior to 31-12-2009, the date from which the provision was introduced by the Parliament.

4. Having regard to the said decision, the present appeal under Section 372 Cr.P.C. by the appellant is not

maintainable.

5. Therefore, the appeal is dismissed as not maintainable. Liberty is granted to the appellant to avail any other remedy available at law.

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

JUSTICE M.S.RAMACHANDRA RAO

Date: 10-03-2015

Note : Registry is directed to return certified copies of judgments of the Courts below filed along with this appeal to the learned counsel for appellant.

B/o.
Vsv

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