

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

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**CRIMINAL APPEAL No.1360 of 2014**

**JUDGMENT:**

This appeal is preferred under proviso to Section 372 Cr.P.C. by the appellant challenging the judgment dt.07-02-2014 in Criminal Appeal No.299 of 2012 of the II Additional District and Sessions Judge, Chittoor at Madanapalle acquitting the accused by reversing the judgment dt.19-11-2012 in C.C.No.102 of 2002 of the II Additional Judicial Magistrate of I Class, Madanapalli.

2. Admittedly, the incident in question out of which this prosecution was commenced, took place on 08-09-2001 and 09-09-2001 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**<sup>[1]</sup>, 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.

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**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

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