

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2016

CORAM

THE HONOURABLE MR. JUSTICE C.T.SELVAM

Crl.R.C.No.108 of 2016

Dharunisa
W/o.Mohamed

... Petitioner

vs

State represented by
The Inspector of Police,
Marakkanam Police Station,
Tindivanam Taluk,
Villupuram District.
Crime No.99 of 2012

... Respondent

Criminal Revision filed under section 397 r/w 401 of the Code of Criminal Procedure, against the order of learned Judicial Magistrate II, Tindivanam, Villupuram District, passed in Crl.M.P.No.1647 of 2015 in C.C.No.119 of 2012 on 07.10.2015 and to direct the trial Court to return MO-1 series in C.C.No.119 of 2012 to the petitioner.

For Petitioner : Mr.S.Dawood Khan
For Respondent : Mr.C.Iyyapparaj,
Government Advocate [Crl.side]

O R D E R

This revision arises against the order of learned Judicial Magistrate II, Tindivanam, Villupuram District, passed in Crl.M.P.No.1647 of 2015 in C.C.No.119 of 2012 on 07.10.2015.

2. Heard learned counsel for petitioner and learned Government Advocate [Crl.side].

3. Petitioner is the de facto complainant in case tried in C.C.No.119 of 2012 on the file of learned Judicial Magistrate II, Tindivanam, Villupuram District, which ended in conviction. The conviction was confirmed in appeal and there against, the accused have preferred a revision which is pending. Though labelled a petition u/s.451 Cr.P.C., the petition moved by petitioner before the trial Court actually is one u/s.452 Cr.P.C. Against dismissal thereof, the remedy lies by way of an

appeal u/s.454 Cr.P.C.

This Criminal Revision is dismissed with liberty to the petitioner to prefer an appeal in keeping with Section 454 Cr.P.C. If there is any delay in preferring the appeal, the petitioner may seek the aid of Sections 5 and 14 of the Limitation Act.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

gm

To

1.The Judicial Magistrate II,
Tindivanam,
Villupuram District.

2.The Inspector of Police,
Marakkanam Police Station,
Tindivanam Taluk,
Villupuram District.

3.The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.S.Dawood Khan, Advocate sr.4665

सत्यमेव जयते

Cr1.R.C.No.108 of 2016

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