IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.09.2016

Coram

THE HONOURABLE MR. JUSTICE G.CHOCKALINGAM

Crl.R.C.No.780 of 2010

J.Suseela .. Petitioner/De facto Complainant

Vs.

1. Ganesan
2. Muthu Rani .. Respondents 1 & 2/Accused
3. State rep. by,
   The Sub-Inspector of Police,
   Law and Order,
   K-3, Aminjikarai Police Station,
   Chennai - 600 029. .. 3rd Respondent/Complainant

Prayer :- Criminal Revision Case filed under Section 401 of Cr.P.C., praying to call for the records in C.C.No.10022 of 2002 on the file of the V Metropolitan Magistrate, Egmore, Chennai, and set aside the order dated 14.06.2010.

For Petitioner : Mr.C.Samadharma Arasu
For RR-1 & 2 : Service Awaited
For R-3 : Mrs.M.F.Shabana,
Government Advocate (Crl.Side)

- - - - -

ORDER

This criminal revision case is directed against the order dated 14.06.2010 passed by the learned V Metropolitan Magistrate, Egmore, Chennai, in C.C.No.10022 of 2002, acquitting the accused/respondents 1 and 2 herein from the charges under Sections 336, 324, 427 and 506(2) IPC.

2. Heard the learned counsel appearing for the petitioner and learned Government Advocate (Crl.Side) appearing for the third respondent.

3. Admittedly, the petitioner is P.W.1 and she has preferred this criminal revision case before this Court as against the order of acquittal passed by the learned V Metropolitan Magistrate, Egmore, Chennai, in C.C.No.10022 of 2002, on 14.06.2010.

WEB COPY
https://hcservices.ecourts.gov.in/hcservices/

4. In this case, it is useful to refer Sections 372 and 374 of Cr.P.C. which read as follows:-

> "372. No appeal to lie unless otherwise provided - No appeal shall lie from any judgment or order of a Criminal Court except as provided for by this Code or by any other law for the time being in force.
>
> [Provided that the victim shall have a right to prefer an appeal against any order passed by the Court acquitting the accused or convicting for a lesser offence or imposing inadequate compensation, and such appeal shall lie to the Court to which an appeal ordinarily lies against the order of conviction of such Court.]
>
> Amendment Act, 2008 - Clause 29 amends Section 372 of the Code relating to appeals from judgment or order of a Criminal Court it gives to the victim the right to prefer an appeal against any adverse order passed by the trial Court (Notes on Clauses).
>
> 374. Appeals from convictions - (1) Any person convicted on a trial held by a High Court in its extraordinary original criminal jurisdiction may appeal to the Supreme Court.
>
> (2) Any person convicted on a trial held by a Sessions Judge or an Additional Sessions Judge or on a trial held by any other Court in which a sentence of imprisonment for more than seven years has been passed against him or against any other person convicted at the same trial; may appeal to the High Court.
>
> (3) Save as otherwise provided in sub-section (2), any person,—
>
> (a) convicted on a trial held by a Metropolitan Magistrate or Assistant Sessions Judge or Magistrate of the first class or of the second class, or
>
> (b) sentenced under section 325, or
>
> (c) in respect of whom an order has been made or a sentence has been passed under section 360 by any Magistrate, may appeal to the Court of Session."

5. In view of the above said provisions, this criminal revision case is not at all maintainable before this Court and hence, the same is liable to be dismissed.

WEB COPY
https://hcservices.ecourts.gov.in/hcservices/

6. In the result, this Criminal Revision Case is dismissed, with liberty to the petitioner to prefer an appeal before the competent Court, according to law.

Jrl

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The V Metropolitan Magistrate, Egmore,
   Chennai.

2. -do- thro' The Chief Metropolitan Magistrate, Egmore,
   Chennai.

3. The Sub-Inspector of Police,
   Law and Order,
   K-3, Aminjikarai Police Station,
   Chennai - 600 029.

4. The Public Prosecutor,
   High Court, Madras.

+ 1 cc to Mr.C.Samadharma Arasu, Advocate Sr 56242

KR/26/10/16

Crl.R.C.No.780 of 2010

सत्यमेव जयते
WEB COPY

https://hcservices.ecourts.gov.in/hcservices/