



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Eleventh day of July Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice K.K.SASIDHARAN
and
The Hon`ble Mr.Justice B.GOKULDAS

CRL OP(MD) No.11336 of 2016
IN
CRL.A(MD)NO.SR12923 OF 2016

MAGESWARI .. APPELLANT/DE-FACTO COMPLAINANT

Vs

1 STATE THROUGH THE INSPECTOR OF POLICE
KARAMBAKUDI POLICE STATION,
KALLIDAIKURICHI,
KARAMBAKUDI,
PUDUKOTTAI DISTRICT,
CR NO. 229 OF 2013. .. RESPONDENT/COMPLAINANT

2 SIBIRAJA
3 DEEPA
4 KUMAR
5 AMBEDKAR
6 SATHIYAVANI ... RESPONDENTS / ACCUED NO.1 TO 5

PRAYER IN CRL OP(MD)NO.11336/2016:

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant leave to the petitioner and permit to file this Criminal Appeal as against the Judgment in S.C.No.67 of 2014 dated 08.12.2015 on the file of the Honourable Mahila Court, Pudukottai and thus render justice.

PRAYER IN CRL A(MD)SR NO.12923/2016 :

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to call for the entire records connected with judgment rendered by the Hon'ble Mahila Court, Pudukottai in S.C.No.67 of 2014 dated 08.12.2015 and set aside the same and consequently convict the accused/2nd to 6th respondents and pass such further or other orders as this Hon'ble Court.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S. R.ALAGUMANI Advocate for the petitioner and of MR.R.RAMACHANDRAN, Additional Public Prosecutor for the first Respondent the court made the following order:-



[Order of the Court was made by **K.K.SASIDHARAN, J.**]

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the State.

2. This Petition is to grant leave to the petitioner to file appeal against the Judgment dated 08.12.2015, in S.C.No.67 of 2014, on the file of Mahila Court, Pudukkottai.

3. The petitioner was the *de facto* complainant in Crime No.229 of 2013, on the file of Karambakudi Police Station, Pudukkottai District. She was examined as PW-1. The prosecution has examined PW-1 to PW-14. The learned Sessions Judge granted benefit of doubt to the accused and acquitted them.

4. We have gone through the First Information Report, the evidence on record and the Judgment passed by the learned Sessions Judge. We do see considerable force in the contention taken by the learned counsel for the petitioner that the learned Sessions Judge omitted to consider certain vital aspects, which resulted in acquittal of the accused. We are, therefore, of the view that the petitioner has made out a case for grant of leave.

5. We grant leave to the petitioner to file appeal against the Judgment dated 08.12.2015, in S.C.No.67 of 2014, on the file of Mahila Court, Pudukkottai.

6. In the upshot, we allow the Criminal Original Petition.

sd/-
11/07/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDGE, THE MAHILA COURT, PUDUKKOTTAI.

2 THE INSPECTOR OF POLICE, KARAMBAKUDI POLICE STATION,
KALLIDAIKURICHI, KARAMBAKUDI, PUDUKOTTAI DISTRICT.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

CSL/ARK/PV/SAR-III-15.7.16-2P-4C

ORDER
IN
CRL OP(MD) No.11336 of 2016
and CRL A(MD)NO.SR12923 OF 2016
Date :11/07/2016