



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

Thursday, the Fourth day of February Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice A.SELVAM
and

The Hon`ble Mr Justice G.CHOCKALINGAM

CRL OP(MD) No.2046 of 2016 IN CRL.A(MD)SR.NO.37905/2015

STATE REP BY

THE PUBLIC PROSECUTOR

HIGH COURT, MADRAS, (TRICHY CANTONMENT (L & O) POLICE STATION,
(CRIME NO.421/2013) ... APPELLANT / COMPLAINANT

Vs

1 SARAVANAN -A1

2 MANIVANAN -A2

3 VENKATESH @ VENKATESHWARAN-A3

4 SARAVANAN, S/O.GANESAN-A4

5 SUDHA, A5

... RESPONDENTS/ACCUSED (A1 TO A5)

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant leave to file an appeal to this Hon`ble Court against the Judgment of the acquittal for Certain Offences against the respondents/Accused (A1-A5) passed by the Court of the Sessions , Trichy Division, Trichy in S.C.No.45/2015 dated 30/3/2015 .

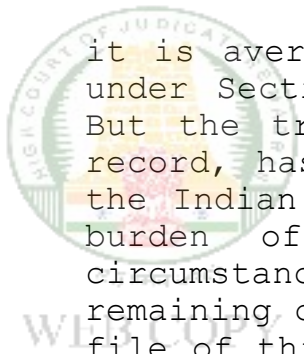
Crl.A(MD)SR.No.37905/2015: Praying to allow this appeal and set aside the Judgment of acquittal of the respondents /accused (A1-A5) of the Charges framed against them, passed by the Court of Sessions , Trichy Division in S.C.45/15 dated 30/3/2015 and convict them.

ORDER:- This Petition is coming on for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.S.Shanmugavelayutham, Public Prosecutor for the Petitioner and of Mr.T.Senthilkumar, Advocate for RR1, 2&4 and of Mr.D.Rameshkumar, Advocate for R3 and of M/s.M.Baby Sudha, Advocate for R5, the Court made the following Order:-

(Order of the Court was made by A.SELVAM, J)

This Criminal Original Petition has been filed praying to prefer Crl.A(MD)SR.No.37905 of 2015 on the file of this Court.

2.It is averred in the petition that the respondents have been shown as accused Nos.1 to 5 in Sessions Case No.45 of 2015 on the file of the District and Sessions Court, Tiruchirappalli. Further,
<https://hcservices.ecourts.gov.in/hcservices/>



it is averred in the petition that the accused have faced charges under Sections 120(b), 364, 201 and 302 of the Indian Penal Code. But the trial Court, after considering the evidence available on record, has erroneously found all the accused under Section 364 of the Indian Penal Code. The trial Court has failed to look into the burden of proof lies upon the accused. Under the said circumstances, against the order of acquittal in respect of the remaining charges Crl.A(MD)SR.No.37905 of 2015 has been filed on the file of this Court and for getting permission, the present petition has been filed.

3.Considering the nature of charges framed against all the accused and also considering the nature of conviction and sentence passed by the trial court, the relief sought in the petition can be granted.

4.In fine, this petition is allowed.

Sd/-

Assistant Registrar(R)

/ TRUE COPY /

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

TO

1.THE SESSIONS JUDGE
TRICHY DIVISION
TRICHY

2.THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS

3.THE INSPECTOR
TRICHY CANTONMENT(L&O) POLICE STATION
TRICHY
(CRIME NO.421/13)

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

RL/5C/AAL/MPA/SARI/12/2/2016

ORDER Date :04/02/2016
ORDER

CRL OP(MD) No.2046 of 2016
IN CRL.A(MD) SR.NO.37905 OF 2015