

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.11.2017

CORAM

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

Crl.M.P.No.14424 of 2017
in
Crl.A.No.SR.11006 of 2016

S.Immanuvel Petitioner

Vs

1.The State
Rep. by its
The Sub-Inspector of Police,
Sulur Police Station,
Coimbatore,
(Cr.No.66 of 2005).

2.Selvi

3.Nagarajan

.... Respondents

Petition filed under Section 5 of Limitation Act to condone the delay of 1178 days in filing the above appeal against the judgment dated 18.10.2012 in CC.No.308 of 2012 of the learned Judicial Magistrate No.VII, Coimbatore.

For Petitioner :

Mr.B.Ramesh Kumar

For Respondent :

Mr.K.Madhan,
(Govt. Advocate Crl. Side)
for 1st respondent.

ORDER

For the sake of convenience, the petitioner and the respondent will be referred to as the complainant and the accused respectively.

2. A detailed complaint has been lodged by the de facto complainant. The respondent police registered a case in Cr.No.66 of 2005 and charge sheeted the accused in C.C.No.308 of 2012, in which, the learned Judicial Magistrate No.VII, Coimbatore acquitted the accused after a full fledged trial by judgment dated 18.10.2012, aggrieved by which, the de facto complainant has filed the present appeal against the order of acquittal with a delay of 1,178 days.

3. Heard Mr.B.Ramesh Kumar, learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the first respondent.

4. On a perusal of the records, it is seen that notice has not been served on the accused.

5. Under normal circumstances, this Court would have dismissed the condone delay petition for the simple reason that a person, who has been acquitted in 2012 should not be subjected to further harassment. However,

this Court lacks jurisdiction to deal with this condone delay petition and the appeal against the acquittal.

6. In view of the judgment of a Full Bench of this Court in **S. Ganapathy vs N. Senthilvel** [(2016) 3 MLJ (CrI) 641 (FB)], the Registry is directed to send all the records relating to this case to the Court of Principal District and Sessions Judge, Coimbatore after taking a photocopy of the same, within a period of four weeks from the date of receipt of a copy of this order.

7. The complainant is directed to appear before the learned Principal District and Sessions Judge, Coimbatore on 05.01.2018 at 10.30 a.m.

With the above direction, the criminal miscellaneous petition is disposed of. Consequently, Criminal Appeal SR No.21006 of 2016 is closed.

सत्यमेव जयते

21-11-2017

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Speaking/Non-Speaking Order

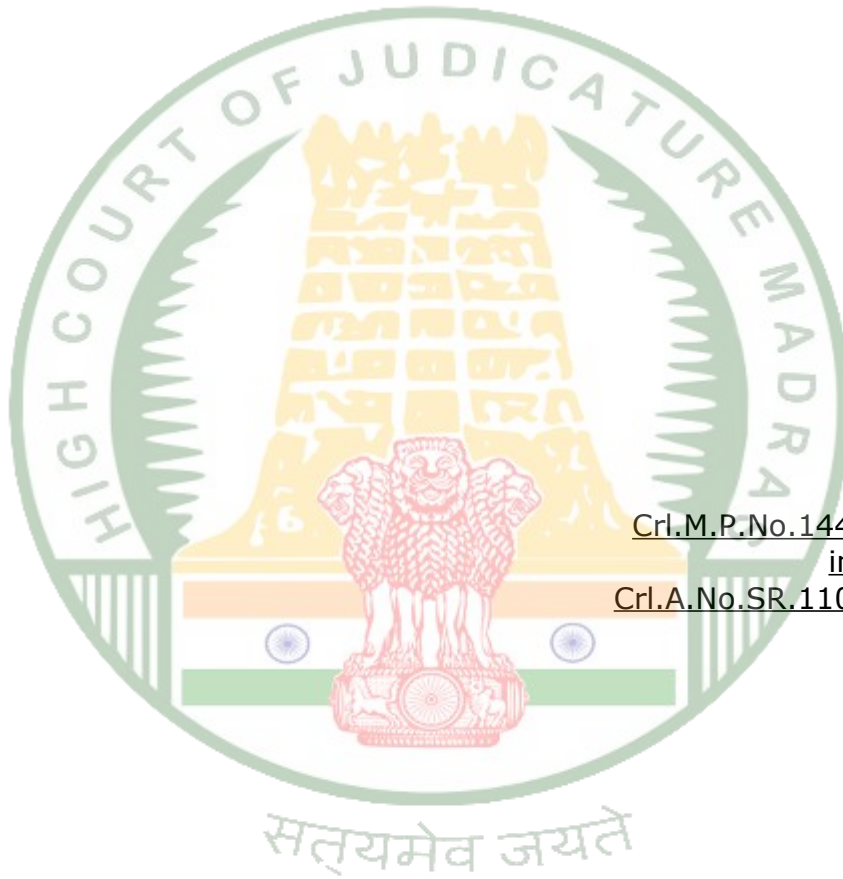
Index:yes/no

To

1. The Principal District and Sessions Judge, Coimbatore.
2. The Judicial Magistrate No.VII, Coimbatore.

P.N. PRAKASH., J

cla



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