

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2017

CORAM

THE HONOURABLE MR. JUSTICE N.AUTHINATHAN

CrI.O.P.No.27438 of 2016
in
CrI.A.SR.47518 of 2016

A.S.Vijay Anand

... Petitioner

versus

P.Maheswaran

... Respondent

PRAYER : Criminal Original Petition filed under Section 378 (4) Cr.P.C. to grant special leave to appeal against the order of acquittal passed in C.C.No.20 of 2014 on 06.09.2016 by the Judicial Magistrate Fast Track Court Magisterial Level, Tiruvallur.

For Petitioner : Mr.S.Swamidoss Manokaran

For Respondent : Mr.A.R.Suresh

O R D E R

The petition has been filed by the petitioner seeking to grant special leave to appeal against the order of acquittal passed in C.C.No.20 of 2014 on 06.09.2016 by the Judicial Magistrate Fast Track Court Magisterial Level, Tiruvallur.

2. The learned counsel appearing for the petitioner submitted that as per the judgment of the Full Bench of this Court in S.GANAPATHY vs. N.SENTHILVEL reported in 2016 CJ [MADRAS] 2049, the remedy to prefer an appeal in terms of Section 372 Cr.P.C., lies before the learned Principal Sessions Judge, Thiruvallur. Hence, he seeks permission of this Court to withdraw this petition, with liberty to file an appeal before the learned Principal Sessions Judge, Thiruvallur. He has also made an endorsement to that effect on the petition.

3. In view of the submissions made by the learned counsel for the petitioner and also in view of the endorsement made, this Criminal Original Petition is dismissed as withdrawn. All the points raised here are left open to be raised before the Court concerned.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sri

To

1. The Judicial Magistrate
Fast Track Court Magisterial Level,
Tiruvallur.
2. Do Through the Chief Judicial Magistrate,
Tiruvallur.
3. The Principal Sessions Court,
Tiruvallur.
4. The Section Officer,
Criminal Section,
High Court, Madras.

CrI.O.P. No.27438 of 2016
in
CrI.A.SR47518 of 2016

MG(CO)
CA(25/07/2017)

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