



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.10.2017

CORAM:

THE HONOURABLE MR.JUSTICE A.M.BASHEER AHAMED

WEB COPY

Crl.O.P.(MD)No.16381 of 2016

in

Crl.A.(MD) No.SR15915 of 2016

K.Ramasamy

... Petitioner /Appellant

-vs-

1. State rep. By
Inspector of Police
Chinna Dharapuram Police Station
In Cr.No.203 of 2013
Karur District.

2. Selvi

3. Mahesh

... Respondents/Respondents

PRAYER (in Crl.O.P.(MD)No.16381 of 2016): This Petition is filed, under Section 372 r/w, 378(5) of the Code of Criminal Procedure to grant leave to file the above Criminal Appeal against the acquittal order in C.C.No.202 of 2013, passed by the Judicial Magistrate Court No.II, Karur, dated 07.03.2016.

PRAYER (in Crl.A.(MD) No.SR15915 of 2016): This petition is filed, under Section 372 r/w, 378(5) of the Code of Criminal Procedure to set aside the order of acquittal, dated 07.03.2016, passed in C.C.No.202 of 2013, on the file of the Judicial Magistrate Court No.II, Karur.

For Petitioner : Mr.K.K.Ramakrishnan

For Respondents : Mr.T.Mohan for R1

Additional Public Prosecutor

Mr.S.Gokulraj for R2 and R3

O R D E R

The learned counsel for the petitioner is present. Mr.T.Mohan, learned Additional Public Prosecutor, appearing for the first respondent and the learned counsel appearing for the respondents 2 and 3, are present.

2. The Criminal Appeal is preferred as against the order of acquittal and the Criminal Original Petition is filed praying to grant leave against the order of acquittal, as per amended proviso to Sections 372 R/W, 378(5) of the Code of Criminal



Procedure, the petitioner has to file the appeal before the concerned Session Court and not before this Court.

3. In view of the above position, the Criminal Original Petition is dismissed as withdrawn. Consequently, Crl.A.(MD) No.SR15915 of 2016 is rejected.

4. Registry is directed to return the Appeal papers for filing Appeal before the Competent Court. The period between 01.06.2017 to 06.10.2017 is to be deducted towards limitation in filing Appeal before the proper Court.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate,
Judicial Magistrate Court No.II,
Karur.
2. The Inspector of Police,
Chinna Dharapuram Police Station,
In Cr.No.203 of 2013,
Karur District.

+ 1 CC TO MR.K.Hariharan, ADVOCATE IN SR No.81800
+ 1 CC TO MR.Mr.S.Gokulraj , ADVOCATE IN SR No.81777
ia
MK/SV MMS/SAR-1/26.10.2017/2P/5C

Crl.O.P. (MD) No.16381 of 2016
in
Crl.A. (MD) No.SR15915 of 2016
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