

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2018

CORAM

THE HON'BLE Mr. JUSTICE N.ANAND VENKATESH

CrI.R.C.No.328 of 2011

A.Ghouse Basha

..Petitioner / Third Party /Pw1

vs

1.Ashfaq Ahmed
2.Ashraf Ahmed
3.Afroz Ahmed
4.Afsar Ahmed
5.Jabeen Ara Begum
6.Zareen Ara Begum

...RR 1 to 6 /Appellants 1, 3 to 5,7 & 8
Accused 1,3 to 5, 7 & 8.

7.State

Represented by the Inspector of Police,
Central Crime Branch, Egmore,
Chennai 600 008.
(Crime No.217 of 1997)

..Respondents/Complainant

Prayer: Criminal Revision Petition under Sections 397 and 401 Cr.P.C., against the judgment dated 14.10.2010 and made in CrI.A.No.106 of 2008 on the file of the Additional District and Sessions Judge, Fast Track Court No.I, at Chennai and modifying the conviction order dated 28.02.2008 in C.C.No.686 of 2002 on the file of the IIIrd Metropolitan Magistrate Court, George Town at Chennai.

For Petitioner : Mr.A.Abdul Rahim

For Respondents: Mrs.S.Thankira for R7
Government Advocate (CrI.side)

O R D E R

This Criminal Revision Petition has been filed by the defacto complainant aggrieved by the order of acquittal passed in CrI.A.No.106/2008 by the Additional District and Sessions Judge (Fast Track Court No.I), Chennai, setting aside the order of conviction and sentence passed in C.C.No.686/2002 by the Trial Court.

2. It is brought to the notice to this Court that the petitioner is no more and he died in the year 2016 itself. Thereafter, no steps have been taken to continue the proceedings. That apart, under Section 378 of Cr.P.C., only an appeal will lie before this Court, as against an order of acquittal passed in appeal by the Sessions Court.

3. The present Revision as such is not maintainable. If there is any other person who will fall within the definition of a victim, this order will not stand in the way of the victim independently challenging the order of acquittal passed in the appeal, of course, subject to the law of limitation. For the reasons stated above, the Criminal Revision Petition stands dismissed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

dna

To

1.The Inspector of Police,
Central Crime Branch, Egmore,
Chennai 600 008.
(Crime No.217 of 1997)

2.The Additional District and Sessions Judge,
Fast Track Court No.1,
Chennai.

3.The III Metropolitan Magistrate,
George Town, Chennai.

4.The Chief Metropolitan Magistrate,
Egmore, Chennai.

5.The Public Prosecutor,
Egmore, Chennai.

Cr1.R.C.No.328 of 2011

RV(CO)
GSP(12/07/2018)