

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.03.2018

Coram

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

CRL.R.C.No.335 of 2011

Mrs.Jayanthi Lakshminarayanan

... Petitioner

Vs.

- 1.P.Raju
- 2.P.Lakshmanaperumal
3. State Rep. by
Inspector of Police,
VIII Team, Central Crime Branch,
Egmore, Chennai - 8

... Respondents

PRAYER: The petition has been filed under Section 397 and 401 of Criminal Procedure Code to call for the records in C.C.No.5600 of 2007 on the file of the Chief Metropolitan Magistrate, Egmore, Chennai set aside the Judgment of acquittal dated 31.12.2010 passed therein, remit the case for retrial.

For Petitioner : No Appearance
For Respondents : Mr.R.Ravichandran
Government Advocate (Crl. Side)
for R3
No appearance for R1 & R2

ORDER

The Criminal Revision has been filed as against the order of acquittal recorded by the Chief Metropolitan Magistrate, Egmore, Chennai. The Order of acquittal has been passed by the Chief Metropolitan Magistrate on 31.12.2010. It is to be noted that by Act 5 of 2005 of the Criminal Procedure Code (Amendment) Act, the victim has given a right to prefer an appeal against the order of acquittal and the amendment came into effect on 31.12.2009 and as such, an appeal as against the acquittal shall lie to the Court to which an appeal originally lies against the order of conviction of such Court.

2. In view of the said amendment, the appeal would clearly lie before the Principal Judge, Chennai and not before this

Court. Hence, the revision is dismissed as not maintainable. However, liberty is given to the revision petitioner to present an appeal before the Principal Judge, Chennai within a period of two weeks from the date of receipt of order copy. In that event, the learned Principal Judge shall consider the period of limitation already spent in this revision.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

rka

To

1. The Chief Metropolitan Magistrate,
Egmore.

2. The Principal Judge,
Chennai

Copy to

The Section officer
Criminal Section, High Court, Madras.

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GJII(CO)
SP(02/04/2018)

सत्यमेव जयते

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