

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.351 of 2011

Mr.R.Srinivasan

... Petitioner

Vs.

1.State Represented by
The Inspector of Police,
R-10, M.G.R.Nagar Police station,
Chennai.

2. Ebenezar

... Respondents

PRAYER: The petition has been filed under Section 397 and 401 of Criminal Procedure Code to set aside the order and judgment dated 3rd February 2011 passed by the Learned XXIII Metropolitan Magistrate at Saidapet, Chennai in C.C.No.4346 of 2007.

For Petitioner : No Appearance

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

ORDER

The Criminal Revision has been filed as against the order of acquittal recorded by the Learned Additional cum Sessions Judge, Fast Track Court No.V, Tiruppur. The Order of acquittal has been passed by the Learned Additional cum Sessions Judge, Fast Track Court No.V, Tiruppur on 03.02.2011. It is to be noted that by Act 5 of 2005 of the Criminal Procedure Code (Amendment) Act, the victim has been 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 today. In that event, the learned Principal Judge shall consider the period of limitation already spent in this revision.

rka

Sd/-

Assistant Registrar

/TRUE COPY/

Sub-Assistant Registrar

To

1. The XXIII Metropolitan Magistrate,
Saidapet.

2. The Principal Judge,
Chennai

3. The Inspector of Police,
R.10, M.G.R.Nagar Police Station,
Chennai.

4. The Public Prosecutor,
High Court, Madras.

5. The Section Officer,
Criminal Section,
High Court, Chennai-104.

CRL.R.C.No.351 of 2011

MP[CO]

MK:28/03/2018

WEB COPY