

IN THE HIGH COURT OF JUDICATURE AT MADRAS

[Reserved on : 26.07.2018]

[Pronounced on : 19.09.2018]

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

Cr1.A.No.631 of 2015

N.Kavitha

.... Appellant/De facto
Complainant

.. Vs ..

1. R.Castro
2. A.Rajendran
3. Amudha
4. Jeethu
5. State by

The Inspector of Police,
All Women Police Station (East),
Coimbatore.
(Crime No.32 of 2010)

... Respondent/Accused

PRAYER: Criminal Appeal filed under Section 378 of Cr.P.C. against the judgment dated 01.08.2015 passed by the Judicial Magistrate/Additional Mahila Court, Coimbatore, in C.C.No.92 of 2013 whereby acquitted all the accused under Section 248(1) of Cr.P.C.

For Appellant : Mr.C.Prakasam
For RR-1 to 4 : Mr.N.Manokaran
For R-5 : Mr.R.Surya Prakash,
Government Advocate

ORDER

The de facto complainant in C.C.No.92 of 2013 on the file of the learned Judicial Magistrate, Additional Mahila Court, Coimbatore, is the appellant herein.

2. This criminal appeal is preferred against the order of acquittal passed by the learned Judicial Magistrate, Additional Mahila Court, Coimbatore, in C.C.No.92 of 2013.

3. Based upon the complaint given by the appellant herein, a case was registered in Crime No.32 of 2010 by the Inspector of Police, All Women police station [East], Coimbatore. After investigation, Charge Sheet has been filed against accused Nos.1 to 4 for the alleged offence under Section 498(A) r/w. 109 IPC and Sections 3 and 4 of the Dowry Prohibition Act.

4. It appears from the records that the appellant, who is the wife of the first accused, was examined as P.W.1 and by judgment dated 01.08.2015, the learned Judicial Magistrate, Additional Mahila Court, Coimbatore, has acquitted all the accused and hence, this criminal appeal.

5. In view of the decision of this Court reported in 2017 (2) Madras Weekly Notes (Cr.) 434 [Shanmugasundram Vs. S.Manil], the appeal preferred by the de facto complainant has to be heard by the respective Principal District Judges and not by the High Court.

6. Learned counsel appearing for the appellant has produced the affidavit filed by the appellant/wife wherein it is stated that there was a criminal threat to the wife, who is living along with her mother in Tirunelveli and since she cannot prosecute the case, she has filed an affidavit for transferring the case from Coimbatore to Tirunelveli.

7. Learned counsel appearing for the respondents/accused has strongly opposed that the averments made in the affidavit are false and only intended to eclipse the mind of the Court as if all is not well.

8. After going through the complaint and the evidence and also the judgment passed by the learned Judicial Magistrate, Additional Mahila Court, Coimbatore, without going into the allegations made therein, I am of the considered view that instead of Principal District Judge, Coimbatore, the case may be transferred to Mahila Court, Karur. The learned Judicial Magistrate, Additional Mahila Court, Coimbatore, is directed to send back the records to the Mahila Court, Karur, within a period of six weeks from the date of receipt of a copy of this judgment and the Mahila Court Judge, Karur, on receipt of the back records, is directed to take the case on his file, assign a number, issue notice to both the parties for their appearance and dispose the case in accordance with law at the earliest.

9. Since this criminal appeal is pending before this Court from the year 2015, the Mahila Court, Karur is

required to dispose the criminal appeal within a period of twelve weeks from the date of receipt of the records from the learned Judicial Magistrate, Additional Mahila Court, Coimbatore.

10. With the above directions, this Criminal Appeal is disposed of.

Sd/-
Assistant Registrar (CS ix)

//True Copy//

Sub Assistant Registrar

Jrl
To

1. The Judicial Magistrate,
Additional Mahila Court,
Coimbatore.
2. The Judge of the Mahila Court,
Karur.
3. The Inspector of Police,
All Women Police Station (East),
Coimbatore.
4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.N.Manokaran , Advocate SR.No. 65226
+1cc to Mr.C.Prakasam , Advocate SR.No. 65424

सत्यमेव जयते

Crl.A.No.631 of 2015

ASK(26/10/2018)

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