

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.513 of 2011

and

MP.No.1 of 2011

1. Selvamani @ Manikandan
2. R.Manickam
3. Mrs.Rani

... Petitioners

Vs.

The State Represented by
The Inspector of Police,
All Womens Police Station,
Tiruppur.
Tiruppur District.

... Respondents

PRAYER: The Criminal Revision has been filed under Section 397 and 401 of Criminal Procedure Code against the Judgment passed in C.A.No.198 of 2010 by order dated 28.12.2010 on the file of the Learned Additional cum Sessions Judge, Fast Track Court No.V, Tiruppur modifying the Judgment and order passed in C.C.No.62 of 2007 by order dated 31.08.2010 by the Learned Judicial Magistrate No.1, Tiruppur and prays for setting aside the same.

For Petitioner : No Appearance

For Respondents : No Appearance

ORDER

The Criminal Revision has been filed as against the order of conviction passed by the Learned Additional cum Sessions Judge, Fast Track Court No.V, Tiruppur.

2. When the matter is taken up for hearing today, there is no representation on behalf of both sides.

3. It is to be noted that by Act 5 of 2005 of the Criminal Procedure Code (Amendment) Act, the victim has a right to prefer an appeal against the order of conviction, which came into effect on 31.12.2009 and as such, an appeal as against the conviction shall lie to the Court to which an appeal originally lies against the order of conviction of such Court.

4. In view of the said amendment, the appeal would clearly lie before the Principal District Judge 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

District Judge, Tiruppur within a period of two weeks from today. In that event, the learned Principal Judge while considering the period of limitation, shall exclude the time which had already spent in this revision before this Court.

08.03.2018

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Speaking / Non Speaking

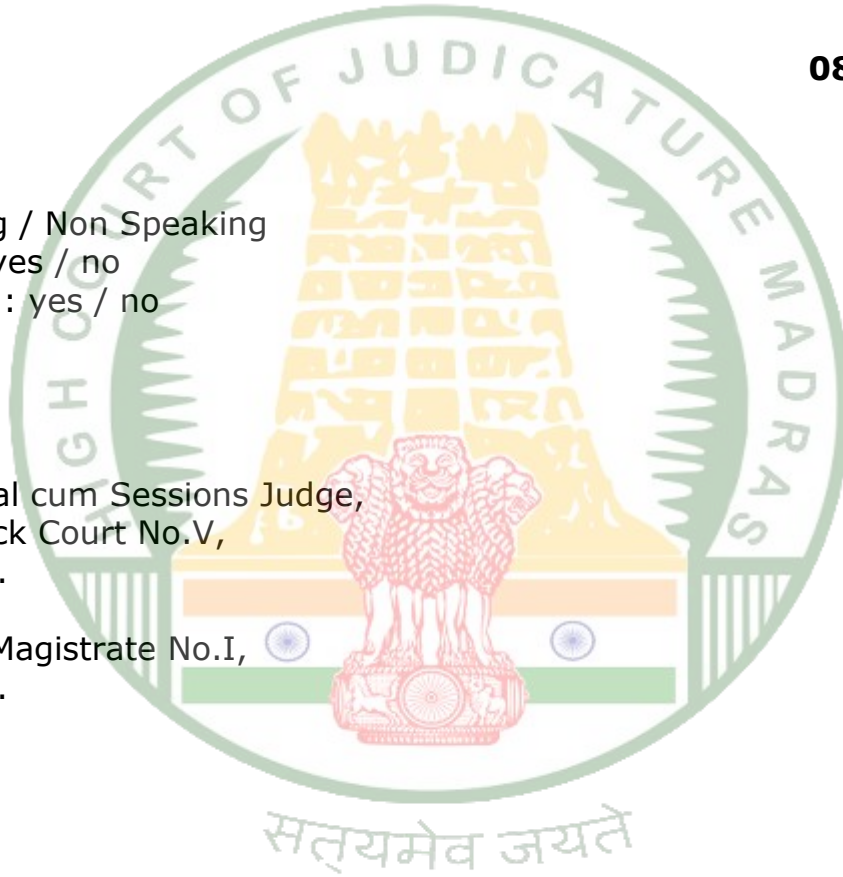
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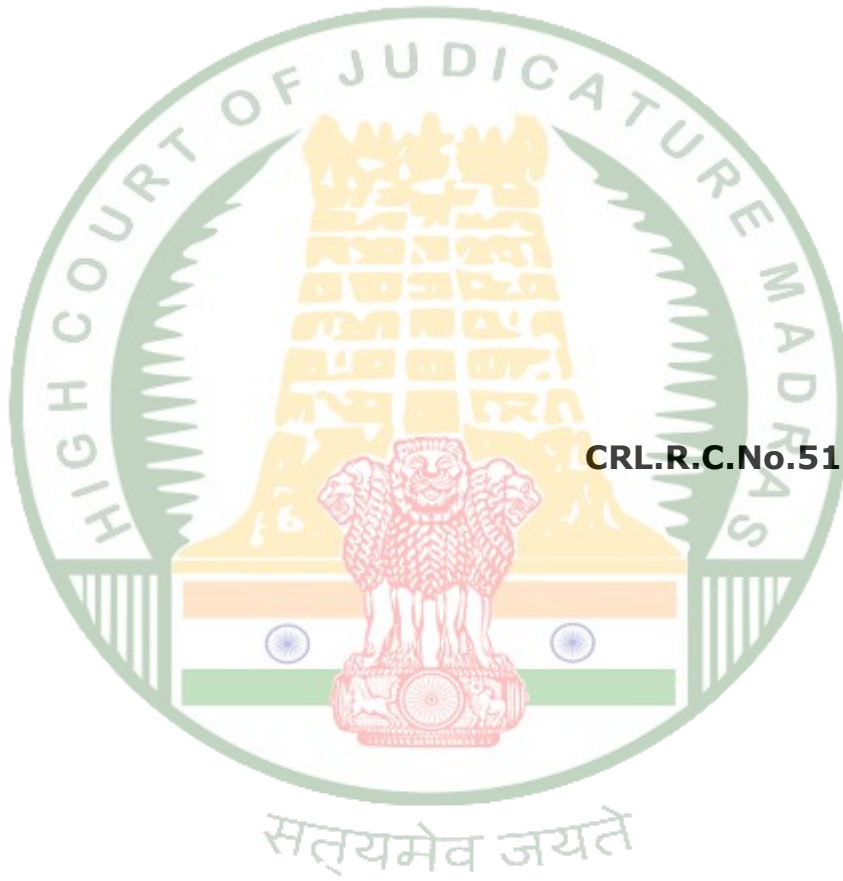
Additional cum Sessions Judge,
Fast Track Court No.V,
Tiruppur.

Judicial Magistrate No.I,
Tiruppur.



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N.SATHISH KUMAR, J.
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