

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.VELMURUGAN

CrI.R.C.No.368 of 2013

R.Anurajan

...Petitioner/Defacto
complainant

Vs.

1.C.Arunkumar

2.V.K.Singh

3.M.Haldorai

4.N.Dileep Kumar

5.K.V.Raj Kumar

6.E.Mahalingam

....Respondents/Accused

7.State by Sub Inspector of Police,

Aruvankadu Police Station,

The Nilgiris.

....Respondent/Complainant

PRAYER: The Criminal Revision Case is filed under Sections 397 and 401 of the Cr.P.C, challenging the order of acquittal, dated 18.07.2011 made in CC.No. 41 of 2010, passed by the learned Judicial Magistrate, Coonoor, acquitting the accused for the offence under sections 147,148 and 324 of I.P.C.

For Petitioner : Mrs.M.Mahalakshmi

For Respondent : Mr.K.V.Sridharan for R1 to R5
Mr.R.Ravichandran,
Government Advocate, for R7
No appearance for R6

ORDER

This Criminal Revision Petition is filed under Sections 397 and 401 of Cr.P.C, challenging the order of acquittal, dated, 18.07.2011 made in CC.No.41 of 2010, passed by the learned Judicial Magistrate, Coonoor, acquitting the accused for the offence under Sections 147, 148 and 324 of IPC.

2. The impugned order of acquittal was passed on 18.07.2011. This Criminal Revision Petition is filed only by the defacto complainant against the impugned order of acquittal. The state has not filed any appeal against the impugned order of

acquittal.

3. In view of the amendment to Section 372 of Cr.P.C (Amendment Act, 2008), no Revision Petition will lie against the order of acquittal before this Court. If at all, the petitioner has to file an appeal against the impugned order of acquittal before the appropriate Court concerned. Since this Criminal Revision Petition has been filed before this Court, in which the Criminal Revision Petition will not lie, as per the said provisions and the competent Court is the concerned Sessions Court, this Criminal Revision Petition is not maintainable before this Court. Consequently, this Criminal Revision Petition is dismissed. However, the Petitioner is at liberty to file an appeal before the appropriate Court. Taking into account the amendment to Section 372 of Cr.P.C, the period between the date of filing this Criminal Revision Petition and till date is ordered to be excluded, for the purpose of limitation. The Registry is directed to return the original papers to the Petitioner. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

mbi/srcm

To

1. The Judicial Magistrate,
Coonoor.
2. State by Sub Inspector of Police,
Aruvankadu Police Station,
The Nilgiris.
3. The Public Prosecutor, High Court, Madras

Copy To

The Section Officer,
Criminal Section, High Court, Madras.

+1cc to Mr.K.Elango, Advocate, S.R.No.59932

+1cc to Mr.K.V.Sridharan, Advocate, S.R.No.60572

Cr1.R.C.No.368 of 2013

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cs/15/10/2018