

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2019

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM
AND
THE HONOURABLE MRS.JUSTICE S.RAMATHILAGAM

Crl.O.P.No.1810 of 2019 in Crl.A.SR.No.3063 of 2019
and
Crl.A.SR.No.3063 of 2019

Devendiran ...Petitioner/appellant

Vs.

1.State by the Inspector of Police
Yelagiri Police Station
Vellore District ... first respondent/complainant
(Crime No.23/2017)

2.G.Annamalai ... second respondent/sole accused

Prayer : Criminal Original Petition filed under Section 372 of the Criminal Procedure Code praying to grant special leave to the petitioner to file an appeal against the order of acquittal passed by the learned III Additional District and Sessions Judge, Thirupattur, Vellore District in S.C.No.107 of 2018 dated 30.11.2018.

For Petitioner : Mr.V.Paarthiban

For Respondents : Mr.K.Prabakar
Additional Public Prosecutor
for R1

O R D E R

[Order of the Court was made by C.T.SELVAM, J]

This Criminal Original Petition has been filed to grant special leave to the petitioner to file an appeal against the order of acquittal passed by the learned III Additional District and Sessions Judge, Thirupattur, Vellore District in S.C.No.107 of 2018 dated 30.11.2018.

2. We have heard learned counsel for leave applicant/appellant and learned Additional Public Prosecutor for the respondent.

3.The prosecution has projected PW-7 as having witnessed the occurrence wherein the deceased was done to death. Trial Court rightly has considered the position that PW-7 had been present at the inquest as spoken to by PW-18, Investigation Officer, and if indeed she had witnessed the occurrence, Ex.P17 would not have informed the position that accused were not known. Again, trial Court has taken into consideration the admission of P.W.7 in cross that she indeed had, upon hearing that the body of the deceased had been found, visited the scene of occurrence the next morning. This Court does not consider it appropriate to grant leave.

4. Accordingly, this Criminal Original Petition shall stand dismissed. Consequently, the Crl.A.SR.No.3063 of 2019 shall stand rejected.

Sd/-

Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

mk/kmi

To

1. The III Additional District and Sessions Judge,
Thirupattur, Vellore District.
2. The Inspector of Police
Yelagiri Police Station
Vellore District
- 3.The Public Prosecutor
High Court, Madras.

+1cc to Mr.V.Parthiban, Advocate SR.No.6259

Crl.O.P.No.1810 of 2019
and
CRL.A.SRNo.3063 of 2019

MR (CO)
GMY (27/02/2019)