

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.04.2019

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Criminal Appeal No.619 of 2015

R.Janaki

.. Appellant

/versus/

Lita Srinivasan

.. Respondent

Payer: Criminal Appeal filed under Section 378(4) of the Code of the Criminal Procedure praying to set aside the judgment of acquittal passed in C.C.No.11704 of 2004 vide judgment dated 05.08.2015 on the file of the learned VII Metropolitan Magistrate, George Town, Chennai-1 and allow this Criminal Appeal and convict the respondent/accused of the charge.

For Appellant :Mr.S.karthikeyan

For Respondent :No appearance

J U D G M E N T

The learned counsel appearing for the appellant is present. There is no representation for the respondent.

2.From the records of Registry, this Court finds that sofar notice to the respondent is not served. This appeal is preferred against the order of dismissal by VII Metropolitan Magistrate Court, George Town, Chennai. The complainant and the accused are practicing Lawyers and Members of Women Lawyers Association. Alleging that the accused has made a defamatory remark against her, private complaint has been filed before the Metropolitan Magistrate, George Town, Chennai. The trial Court has dismissed the complaint, after examining the witnesses. Aggrieved by that, the present appeal is filed.

3. Though the impugned order is dated 05.08.2015 and under Section 372 proviso the right of appeal is vested with the victim complainant, this appeal is preferred before the High Court instead of Court of Sessions. Therefore, Registry is directed to return the appeal papers to the appellant, to

receive and represent it before the Court of Sessions, within a period of 30 days from the date of receipt of a copy of this order. Further, Registry is directed to return back the records to the trial Court. The Sessions Court, on presentation of this appeal papers, shall take note of the delay due to pendency of the appeal before this Court and take on file, after due notice to the parties concerned and dispose of the same on merits and in accordance with law.

4. Accordingly, this Criminal Appeal is disposed of.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

VII Metropolitan Magistrate,
George Town, Chennai-1.

Copy To:

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

Crl.A.No.619 of 2015

SSV(CO)

RRS(18/06/2019)



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