

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.02.2019

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Criminal Revision Case No.230 of 2012

Jayaraman,
S/o.Subramani,
No.28/27, Shanmugapuram,
4th Street, Tiruvottiyur,
Chennai-600 019.

... Petitioner/PW.1

/versus/

1. State by Inspector of Police,
M-8, Sathangadu Police Station,
Tiruvellore District,
(Crime No.297 of 2009)

... Respondent/Complainant

2. Murugan,
S/o.Thakkar,
No.1, Estate Road, Shanthi Nagar,
Tiruvottiyur Chennai-19.

3. Nagaraj,
S/o.Kamatchi,
South Street, Nilakootai,
Dindigul District.

... Respondents/
Accused 1 & 2

Prayer:-

Criminal Revision Case is filed under Section 397 and 401 of Criminal Procedure Code, praying against the judgment of the learned Judicial Magistrate, Tiruvottiyur, Tiruvellore District made in C.C.No.322 of 2009 dated 15.11.2011 acquitting the respondents/Accused 1 and 2 from the charges under Sections 419, 363, 170 I.P.C and 363 of I.P.C read with 34 of I.P.C respectively.

For Petitioner : Mr.T.R.Ravi

For Respondent : Mr.T.Shanmuga Rajeswaran
Additional Public Prosecutor

O R D E R

In the light of the amendment to Section 372 of Cr.P.C, the Appeal against the acquittal preferred by the victim challenging the order passed by the learned Magistrate will lie before the District and Sessions Court, Thiruvallur. Whereas, this Revision preferred by the defacto complainant against the acquittal order passed by the Judicial Magistrate, Tiruvottiyur has been wrongly presented before the Hon'ble High Court under Section 378 (4) of Cr.P.C. In the light of the clarification made by the bench of this Court in D.Prabhu Vs. R.Manikandan in CrI.A(M).No.130 of 2010 etc., the petition has to be transferred to District and Sessions Court, Thiruvallur where appeal will lie.

2. The learned Counsel for the revision petitioner therefore submit that the revision may be transferred to Principal District Judge, Tiruvellore for further course of action. The Learned Additional Public Prosecutor concedes the above submission. In the light of the legal position clarified by the Court regarding the appeal against the acquittal preferred by the victim or the representative of the victim this revision petition is transferred to the Principal District Judge, Tiruvellore.

3. Registry is directed to send back the records to the District and Sessions Court, Tiruvellore. The Principal District Judge, Tiruvellore, shall take the appeal on file in accordance with law and proceed after notice to the parties.

4. In the result, the Criminal Revision Case is closed. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

bsm

To

1. The Judicial Magistrate,
Tiruvottiyur, Tiruvellore District.
2. The Public Prosecutor,
High Court, Madras.

3. The Inspector of Police,
M-8, Sathangadu Police Station,
Tiruvellore District,
4. The Principal District Judge,
Tiruvellore.
5. The District and Sessions Court,
Tiruvellore.
6. The Section Officer,
Criminal Section,
High Court, Madras.

(To send the records to the
District and Sessions Court Tiruvellore)

Crl.R.C.No.230 of 2012

AK(CO)
CS/08/03/2019



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