

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:26.02.2019

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Cr1.R.C.No.91 of 2012

Saleema Begham .. Petitioner /Defacto complainant

/versus/

1.Mohammed Rafiq @ Babu

2.State rep.by Inspector of Police,
Voraiyur Police Station,
Thiruvannamalai District.
(Crime No.67 of 2007)

.. Respondent/Sole Accused and
Complainant

Criminal Revision Case has been filed under Section 397 r/w 401 of the Criminal Procedure Code against the judgment dated 18.08.2011 passed by the learned Chief Judicial Magistrate and Assistant Sessions Judge, Thiruvannamalai by acquitting the 1st respondent from the charges of offences under Sections 306 r/w 201 r/w 202 of IPC.

For Petitioner :Mr.A.Sasidharan

For Respondent :Mr.R.Jayaprakash for R1
Mr.T.Shanmuga Rajeswaran,
GA for R2

सत्यमेव जयते
O R D E R

The criminal revision case is preferred by the defacto complainant, who is none other than the mother of the deceased Balgeesh Begum.The first respondent herein, who is the accused was tried for the offence under Sections 306 r/w 201 r/w 202 of IPC by the Chief Judicial Magistrate-cum-Assistant Sessions Judge, Tiruvannamalai. Aggrieved by the order of acquittal, the present revision case is filed.

2. In view of the march of law and proviso to Section 372, which was brought into the statute by a way of amendment in the year 2009 with effect from 31.12.2009, right of appeal has been given to the aggrieved victim against any order of

acquittal or conviction for lesser offence or inadequacy of sentence more than of compensation.

3. In view of the above legal position, the revision pending before this Court has to be transferred to the Principal District Court which has jurisdiction to hear the appeal. Therefore, the Registry is directed to transfer the records along with the copy of this order to the Principal District Judge, Tiruvannamalai. On receipt of the records, the learned Judge shall take up the appeal, number it and dispose of it, on merits and in accordance with law, preferably within a period of four months, from the date of receipt of a copy of this order, in view of the long pending.

4. The Criminal Revision case is disposed of with the above directions.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

To

- 1.The Principal District Judge,
Tiruvannamalai.
- 2.The learned Chief Judicial Magistrate
and Assistant Sessions Judge,
Thiruvannamalai
- 3.The Inspector of Police,
Voraiyur Police Station,
Thiruvannamalai District.
- 4.The Public Prosecutor,
High Court, Madras.

Copy To

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

+1cc to Mr.A.Sasidharan, Advocate, S.R.No. 18832
+1cc to Mr.R.Jayaprakash, Advocate, S.R.No. 18007

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SAI (CO)
GN(04/04/2019)