

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.OP.No.4946 of 2019

R.Madhan Raja

...Petitioner / Accused

Vs.

The Inspector of Police,
All Women Police Station,
Ulundurpet,
Villupuram District.
(Cr.No.18/2015)

...Respondent / Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to declare as the petitioner 'Honorary acquittal' in C.C.No.141/2015 on the file of Judicial Magistrate Court-II, Ulundurpet.

For Petitioner : Mr.T.V.G.Kartheeban
For Respondent : Mr.C.Raghavan
Government Advocate

ORDER

This petition has been filed to declare the judgment of acquittal passed in favor of the petitioner as a 'Honourable acquittal'.

2.The petitioner faced Trial before the learned Judicial Magistrate No.II, Ulundurpet for an offence under Sections 352 and 506(i) of IPC. The Trial Court after considering the entire evidence and the materials placed on record came to a conclusion that the prosecution has failed to prove the case against the petitioner beyond reasonable doubts. However, in the last portion of the judgment, the Trial Court made an observation that the petitioner is acquitted by giving the benefit of doubt in his favor.

3.The learned counsel for the petitioner submitted that the observation made by the Trial Court in the later part of the judgment runs contrary to the categorical findings given in the earlier portion of the judgment wherein it was observed that the prosecution did not produce any evidence to substantiate the charges against the petitioner.

4.The learned counsel further submitted that the petitioner is working as a teacher and he has been kept under suspension due to this criminal case and since the acquittal is now being interpreted to be given based on the benefit of doubt, the petitioner is finding it difficult to get himself reinstated in service. Therefore, the present petition is filed before this Court seeking for appropriate directions.

5.Heard the learned Government Advocate appearing on behalf of the respondent Police.

6.It is seen from records that the petitioner faced the Trial for offences under Sections 352 and 506(i) of IPC. The Trial Court after considering the entire evidence has come to a categoric conclusion that the prosecution has not produced any evidence to substantiate the charges against the petitioner. This will only mean that the petitioner was 'Honorably acquitted'. The Trial Court after having given such a finding ought not to have held that benefit of doubt is given in favour of the petitioner. Such a finding goes contrary to the earlier finding given by the Trial Court.

7.In view of the above, this Court has no hesitation to declare the judgment passed in favour of the petitioner in C.C.No.141/2015, as a 'Honourable acquittal' in favor of the petitioner.

8.Accordingly, this Criminal Original Petition is allowed.

Sd/-
Joint Registrar (Judicial)

//True Copy//

Sub Assistant Registrar

To

1. The Inspector of Police,
All Women Police Station,
Ulundurpet, Villupuram District.
(Cr.No.8/2015)
2. The Public Prosecutor,
High Court, Madras.
3. The Judicial Magistrate Court II,
Ulundurpet.

CRL.OP.No.4946 of 2019

VBA(CO)
SSM(18/06/2019)