



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.R.C.(MD)No.235 of 2011

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Parthasarathy

.. Revision petitioner/P.W.3

Vs.

V.Gunasekaran

.. 1st Respondent/Accused

Prayer : This Criminal Revision petition is filed under Section 397 r/w 401 of Cr.P.C., to call for the records in C.A.No.20 of 1999 on the file of the learned Additional Sessions Judge cum Fast Track Court, Dindigul and set aside the final order dated 29.12.2010.

For Petitioner : Mr.N.Ananthapadmanaban
For Respondent : No appearance.

ORDER

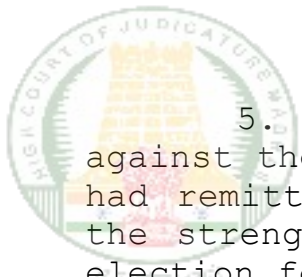
Aggrieved by the Judgment of acquittal dated 29.12.2010 in C.A.No.20 of 1999 on the file of the learned Additional District and Sessions Judge, Fast Track Court, Dindigul, this Criminal Revision has been filed.

2. This Court originally wanted to know as to whether the appeal will lie against the Judgment of acquittal or this Criminal Revision is maintainable.

3. The learned counsel appearing for the Revision petitioner drew my attention to the definition of the term "victim" found in Section 2(wa) of Cr.P.C. The said definition reads as under:

" 2(wa) 'victim' means a person who has suffered any loss or injury caused by reason of the act or omission for which the accused person has been charged and the expression 'victim' includes his or her guardian or legal heir. "

4. In this case, the Revision petitioner admittedly did not suffer any loss or injury by reason of the act of the accused. Therefore, the petitioner obviously will not come under the expression "victim" as defined above. Only if a person falls within the definition "victim", he can file an appeal. Since the petitioner does not fall under the said definition, this Criminal Revision has rightly been instituted. Therefore, I have to hold that this revision case is maintainable.



5. Now coming to the merits of the matter, the charge against the accused is that he produced a forged document as if he had remitted to the subscription of the Co-operative Society. On the strength of the said document, the accused contested for the election for the post of Director of the society concerned.

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6. The trial Court convicted the accused for the offence under Sections 471 and 420 of I.P.C. and also sentenced him, accordingly. But the appellate Court acquitted the accused on the ground that there was nothing on record to indicate that it was the accused who had committed the acts of forgery.

7. Even though there are arguable points on the side of the accused, taking note of the fact that the cause of action dates back to the year 1990, I am of the view that no purpose will be served in keeping this stale matter alive, after a lapse of almost three decades.

8. In this view of the matter, I am of the view that the Judgment of acquittal passed by the appellate Court does not warrant any interference. This Criminal Revision stands dismissed only on this ground. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

pmu

To

1. The Additional Sessions Judge cum Fast Track Court,
Dindigul.
2. The Section Officer,-2copies
Criminal Section,
Madurai Bench of Madras High Court, Madurai.

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