



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )

Tuesday, the Third day of September Two Thousand Nineteen

PRESENT

**The Hon`ble Mr Justice S.VAIDYANATHAN  
and  
The Hon`ble Mr.Justice N.ANAND VENKATESH**

**CRL OP(MD) No.12266 of 2019  
in  
CRL A(MD)No.SR23829 of 2019**

SAIBUNISHA

... PETITIONER/APPELLANT

Vs

1 THE STATE REP.BY,  
THE INSPECTOR OF POLICE,  
CBCID, MADURAI TOWN,  
KENIKARAI POLICE STATION,  
CRIME NO.500/2010.

2 SAHUL @ RASEEL KHAN

3 MOHAMED HARASATH @ LALA  
4 MANIVANNAN  
5 SHEIK THAKASATH @ SOODANI  
6 THAMEEMUL ANSARI  
7 SHAHNAVAS  
8 NAHOOR HUSAAIN  
9 MUNIYASAMY  
10 PAKKERAMMAL  
11 JAILANI  
12 AVUL HAMEED YASIN

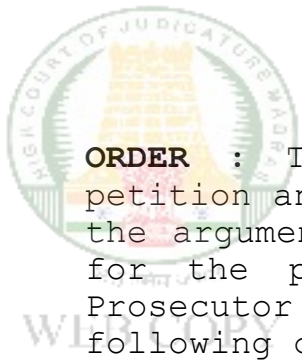
... RESPONDENTS/RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to grant leave to the Petitioner to file the above Criminal Appeal as against the judgement of Acquittal made in S.C No. 137/2015 dated 16.07.2019 on the file of the Learned Sessions Judge Fast Track Mahila Court Ramanathapuram and pass such .

**PRAYER in CRL A(MD)No.SR23829/2019:**

To set aside the judgment dated 16.07.2019 made in Session Case No.137/2015 on the file of the Learned Sessions Judge, Fast Track Mahila Court, Ramanathapuram and allow the above criminal appeal.

<https://hcservices.ecourts.gov.in/hcservices/>



**ORDER :** This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.C.JEGANATHAN, Advocate for M/S.VEERA ASSOCIATES for the petitioner and of MR.S.CHANDRASEKAR, Additional Public Prosecutor on behalf of the 1<sup>st</sup> Respondent, the court made the following order:-

The de-facto complainant is the appellant in this appeal. This application has been filed seeking special leave to file the appeal.

2.In the considered view of this Court, such a petition is not warranted in this case, since the appeal has been filed under the proviso to Section 372 of Cr.P.C. The Honourable Supreme Court in the case of ***Mallikarjun Kodagalli (d) through legal representatives .vs. State of Karnataka and others*** has categorically held that there is no need for a victim to apply for leave to file an appeal against the order of acquittal for preferring an appeal under Section 372 Proviso to Cr.P.C. This Judgment was followed by the later Bench of the Honourable Supreme Court of India in ***Naval Kishore Mishra .vs. State of Uttar Pradesh and others made in Criminal Appeal No.979 of 2019, dated 5.7.2019.***

3.In view of the above, We are of the considered view that leave need not be sought for by the Petitioner and the Registry is directed to number the main appeal and post it for admission.

sd/-  
03/09/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

TO

- 1.THE SESSIONS JUDGE,  
FAST TRACK MAHILA COURT,  
RAMANTHAPURAM
- 2.THE INSPECTOR OF POLICE  
CBCID, MADURAI TOWN,  
KENIKARAI POLICE STATION,
- 3.THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.



COPY TO : 1. THE SECTION OFFICER,  
CRIMINAL SECTION,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

WEB COPY 2. THE REGISTRY,  
MADRAS HIGH COURT,  
MADRAS.

ORDER  
IN  
CRL OP (MD) No.12266 of 2019  
IN  
CRL A (MD) No. SR23829 of 2019  
Date : 03/09/2019

VSN  
PK/JC/SAR-3/12.09.2019 : 3P/6C