



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.R.C. (MD) No.743 of 2011

WEB COPY
Sakthivel

... Petitioner/PW1

Vs

1.Selvakumar

2.Kandasamy

3.Soliammal

..Respondents/Accused Nos.1 to 3

4.State through

Inspector of Police,

Pasupathipalayam,

Karur.

(Crime No.427 of 2008)

..Respondent/Complainant

PRAYER: Petition filed under Section 397 r/w 401 of Criminal Procedure Code, to set aside the Judgment passed in S.C.No.41 of 2010, dated 29.11.2010 on the file of the Assistant Sessions Judge, Principal Subordinate Judge, Karur and convicting the accused for offence they are charged sheeted.

For Petitioner : Mr.P.Murugesan

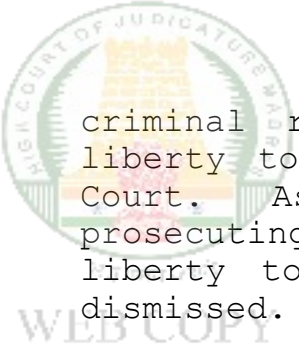
For R1 to R3 : Mr.N.Damodaran

For R4 : Mr.A.Robinson
Government Advocate (Crl.side)

ORDER

The revision petitioner is the defacto complainant in S.C.No.41 of 2010 on the file of the Assistant Sessions Judge/Principal Sub Judge, Karur. Aggrieved by the Judgment of acquittal, this revision case has been filed.

2.When the matter was taken up for final disposal, this Court noted that the Judgment of acquittal was passed on 29.11.2010. It is after the amendment to Section 372 of Cr.P.C., came into force on 31.12.2009. Therefore, the victim definitely has the right to file an appeal. But then, since the Judgment was passed only by the Assistant Sessions Judge, the appeal will lie only before the Principal Sessions Judge. Therefore, even while dismissing this



criminal revision case as not maintainable, this Court grants liberty to the petitioner to file an appeal before the Sessions Court. As and when such appeal is filed, the period taken in prosecuting this revision Court will be excluded. With this liberty to the petitioner, this criminal revision case stands dismissed.

Sd/-

Assistant Registrar (ADII)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Inspector of Police,
Pasupathipalayam,
Karur.
- 2.The Assistant Sessions Judge,
Principal Sub Judge, Karur.

Cr1.R.C (MD) No.743 of 2011
03.07.2019

RMI
RL/16.07.2019/2P/3C