



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.R.C(MD)No.853 of 2011

Pirakasi

... Petitioner

Vs

1.The State represented by,
The Inspector of Police,
All Women Police Station,
Valliyoore,
Tirunelveli District.
(Crime No.1 of 2008)

2.Edwin Gavaskar

3.Devadasan

4.Micheal Ammal

5.Vergin

... Respondents

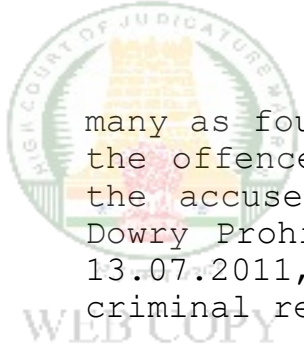
PRAYER: Petition filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the entire records pertaining to the acquittal Judgment passed in S.C.No.461 of 2008 by the learned Sessions Judge (Mahila Court), Tirunelveli, Tirunelveli District vide his Judgment dated 13.07.2011 and set aside the same and consequently convict the accused persons by imposing maximum punishment provided under the law.

For Petitioner : Mr.R.Anand

For R1 : Mr.A.Robinson
Government Advocate (Crl.side)

For R2 to R5 : Mr.V.Kathirvelu.
Senior Counsel
for Mr.K.Prabhu

ORDER



many as four persons faced trial. The first accused faced trial for the offences under Sections 376 of IPC as well as 406 of IPC. All the accused were charged for the offence under Section 4 of the Dowry Prohibition Act. The learned trial Judge, by Judgment dated 13.07.2011, acquitted all the accused. Challenging the same, this criminal revision case came to be filed by the defacto complainant.

2.It is true that the petitioner ought to have filed only a criminal appeal and not revision case as the Judgment was passed after the amendment under Section 372 of Cr.P.C came into force. But then, when the matter was taken up for hearing, the learned counsel appearing for the acquitted accused submitted that A1 is no more. A mere look at the evidence on record would indicate that the primary target of the defacto complainant was only R2/A1. Therefore, when he himself is no more, I am of the view that no purpose will be served in examining the challenge to the Judgment of the acquittal. That is why, this Court is not even directing the Registry to convert the revision case into one of the appeal.

3.Taking note of the subsequent developments namely the death of the person who was accused of the offence under Section 376 of IPC., this criminal revision case stands dismissed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Sessions Judge (Mahila Court),
Tirunelveli, Tirunelveli District.

2.The Principal District Judge, Tirunelveli.

3.The Judicial Magistrate, Nanguneri.

4.Do through the Chief Judicial Magistrate, Tirunelveli

5.The Inspector of Police,
All Women Police Station,
Valliyoar, Tirunelveli District.

6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

**Copy to:**

The Section Officer, (2 Copies)
Criminal Section / Records,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.K.PRABHU, Advocate (SR-72699[F] dated 02/07/2019)

Cr1.R.C(MD)No.853 of 2011
01.07.2019

rmi

JMN(21.08.2019) 3P : 10C