

Crl.O.P.No.15289 of 2020
in Crl.A.No.SR25437 of 2020

P.N.PRAKASH,J.

This case is taken up through video conferencing.

2. For the sake of convenience, the petitioner and the respondents will be referred to as the complainant and the accused, respectively.

3. The complainant initiated a prosecution in C.C.No.273 of 2006 against the accused (A1 & A2), before the Judicial Magistrate No.I, Krishnagiri. The Magistrate, by judgment and order dated 05.09.2019, convicted the accused of the offence under Sections 500 & 357(3) IPC., and sentenced them to undergo simple imprisonment and to pay a fine of Rs.5 lakhs, in default, to undergo three months simple imprisonment and pay a fine of Rs.10 lakhs.

4. On an appeal filed by the accused in Crl.A.No.45 of 2019, the Principal Sessions Judge, Krishnagiri, has acquitted the accused vide order dated 06.03.2020, aggrieved by which, the complainant intends to prefer an

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appeal before this Court and hence, filed this petition seeking leave under Section 378(4) Cr.P.C.,

5. On reading the judgment and order of the appellate Court, there are *prima facie* materials to show that the appellate Court had fallen in error in acquitting the accused by mis-appreciation of the evidence on record. Further, the complainant has raised substantial grounds in the appeal which require a detailed appraisal. Hence, leave granted.

The Registry is directed to number the appeal, if the same is otherwise in order.

29.09.2020

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To

1.The Judicial Magistrate, Krishnagiri.

2.The Principal Sessions Judge, Krishnagiri.

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