

Crl.O.P.No.16714 of 2021  
in  
Crl.A.SR.No.30106 of 2021

**P.VELMURUGAN, J.,**

The second respondent/police filed a case against the first respondent/accused in Crime No.1355 of 2012, based on the complaint given by the petitioner/de-facto complainant, for the offences under Sections 304(B) and 498(A) of IPC. After completion of investigation, charge sheet was filed in S.C.No.23 of 2016. On completion of trial, the learned Trial Judge acquitted the accused/first respondent herein, for the offence under Section 304(B) of IPC., however, convicted him for the offence under Section 498(A) of IPC. Challenging the order of acquittal passed against the accused/first respondent herein, by the learned Trial Judge for the offence under Section 304 (B) of IPC., the petitioner/de-facto complainant has filed the present appeal in Crl.A.SR.No.30106 of 2021, before this Court. Since, the appeal is against acquittal, the petitioner has filed the present petition to grant leave.

2.It is submitted by the learned counsel for the petitioner/appellant that PW.1 to PW.2 are the parents of the deceased and PW.3 is the sister of the deceased, who have clearly stated about the demand of dowry and also cruelty. Though the learned Trial Judge accepted the case of the prosecution for cruelty, however, not accepted the evidence of prosecution witnesses for demand of dowry. He further submitted that though sufficient materials were produced and evidence adduced, the learned Trial Judge had erroneously held that the prosecution has not proved the charge for demand of dowry. Therefore, the petitioner has filed this appeal as against the acquittal of the accused/first respondent herein.

3.I have anxiously considered the submissions of the learned counsel for the petitioner/appellant and also perused the Trial Court's Judgement. I find some eminently arguable points are involved in this appeal.

4.Therefore, the petition is allowed. Leave granted. Registry is directed to number the criminal appeal, if it is otherwise in order.

5.Mr.S.Sugendran, learned Government Advocate (crl.side) takes notice for the second respondent/police. Issue notice to the first respondent. Private notice is also permitted.

6.List the matter after service and after filing proof of service.

16.09.2021

klt

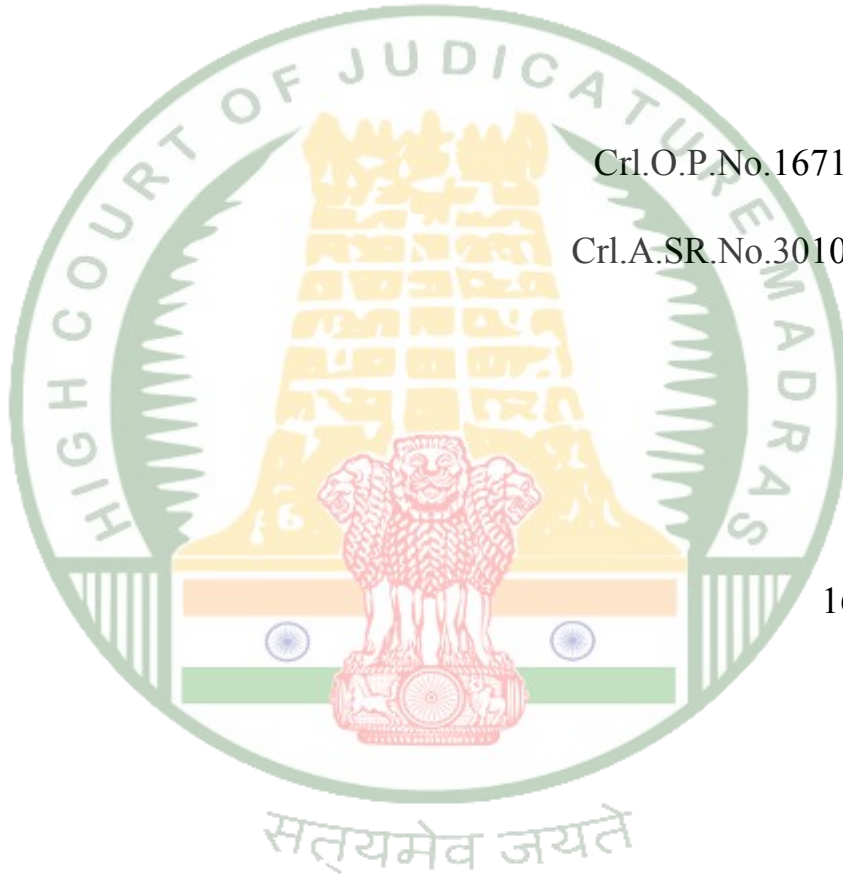


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