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Crl.O.P.No.4674 of 2022

Crl.O.P.No.4674 of 2022 in
Crl.A.SR.No.6806 of 2022

R.PONGIAPPAN, J.

This petition has been filed praying to grant leave to file an appeal against the order of acquittal dated 25.11.2021 passed in CC.No.200 of 2019 on the file of the learned Judicial Magistrate, FTC (Magisterial Level) at Tiruvannamalai.

2. Heard, the learned counsel appearing for the petitioner.

3. The specific submission made by the counsel appearing for the petitioner is that while at the time, the petition mentioned case has been posted before the Judicial Magistrate, Fast Track Court, Tiruvannamalai, due to covid-19 pandemic the petitioner / complainant has not turned and appeared before the court, but without considering the situation the trial court acquitted the accused under Section 256 of Cr.P.C. Hence, it would necessary to challenge the same.



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4. Now on go through the judgment rendered by the trial court, it is true from 13.01.2021 to 25.11.2021, the complainant / petitioner is not appeared before the trial court and due to which after considering the absence, the trial court acquitted the accused. All are aware from the month of January 2021, the entire nation is suffered due to covid-19 and therefore, obviously the petitioner may be not in a position to appear before the trial court.

5. Having heard the counsel and perused the materials available on record, this Court is of the opinion that a *prima facie* case is made out for grant of leave.

6. Accordingly, this criminal original petition is allowed.

01.03.2022

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Note: Registry is directed to number the appeal,
if it is otherwise in order.



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