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Crl.R.C.No.262 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.R.C.No.262 of 2020

G.Srinivasan

... Petitioner

Versus

G.Kesavan

... Respondent

Criminal Revision Case filed under Section 397 r/w 401 of the Code of Criminal Procedure, to set aside the Judgment dated 10.12.2019 made in C.A.No.10 of 2018 on the file of the II-Additional District and Sessions Judge, Vellore @ Ranipet, Vellore District reversing the Judgment dated 19.12.2017 in STC.No.232 of 2017, on the file of the Judicial Magistrate No.II, Walajapet, Vellore District.

For Petitioner : Mr.S.Raja Ravi Varma

For Respondent : No Appearance

ORDER

This case is covered by the Full Bench Judgment of this Court in ***K.Rajalingam Vs. Suganthalakshmi***¹. This Court has already passed an order dated 08.08.2022, and directed the respondent/complainant to file transpose application. However, today when the matter came up for hearing,



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no representation for the respondent/complainant and no such application is filed.

2.Inspite of service of notice, the complainant has not entered into appearance. Therefore, as decided by this Court in the earlier order dated 08.08.2022, the Judgment of the II-Additional District and Sessions Judge, Vellore @ Ranipet, Vellore District, dated 10.12.2019 in C.A.No.10 of 2018, convicting the petitioner herein has to be held as in “*non est*” in the law. Therefore, liberty is given to the respondent/complainant to file an appeal against the acquittal. Accordingly, the Criminal Revision Case is ordered to be closed.

3.It is made clear that as and when such an appeal is filed, the period of time spent before the Lower Appellate Court as well as the Revision, can be excluded for the purpose of computing the limitation.

23.08.2022

Index : yes/no
Speaking/Non-speaking order

klt



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To
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- 1.The II-Additional District and Sessions Court, Vellore @ Ranipet, Vellore District.
- 2.The Judicial Magistrate No.II, Walajapet, Vellore District.



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D.BHARATHA CHAKRAVARTHY, J.

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