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Crl.O.P.No.4541 of 2022

Crl.O.P.No.4541 of 2022
in
Crl.A.SR.No.13886 of 2021

R.PONGIAPPAN, J.

This petition has been filed praying to grant leave to file an appeal against the order of acquittal dated 18.12.2019 passed in Spl.SC.No.119 of 2016 on the file of the learned Special Sessions Court for SC/ST (POA)Act Cases, Villupuram

2. Heard, the learned counsel appearing on either side.

3. Before the trial court, the charges under Sections 417, 498(A) of IPC r/w 3(1)(x), 3(2)(v) of SC/ST (POA) Amendment Act, 2015 has been framed against the respondent No.3 to 5. After elaborate trial, by judgment dated 18.12.2019, the learned Special Sessions Court for SC/ST (POA)Act Cases, Villupuram found the accused not guilty and acquitted from the charges. Challenging the same, the defacto complainant is before this Court with the present leave petition.



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4. Now on go through the evidence given by PW1, it would appear during the relevant point of time, respondent No.3 to 5 are all insulted PW1 and her parents by mentioning their caste name. In respect to the same, PW1 categorically stated as respondent No.3 abused her by using her caste name and the respondent 4 and 5 abused her father by mentioning their caste name. In this regard, in the impugned judgment, the learned Judge stated that there was no evidence to show during the relevant point of time, the respondent No.3 to 5 abused the defacto complainant and her parents.

5. Having heard the counsels and perused the materials available on record, this Court is of the opinion that the petitioner shown a *prima facie* case for filing an appeal.

6. Accordingly, leave is granted and this criminal original petition is allowed.

15.03.2022

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



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