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Crl.R.C.No.354 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.354 of 2020

Vimala Roseline

... Petitioner

**Versus**

D.Lalitha

... Respondent

Criminal Revision Case filed under Section 397 r/w 401 of the Code of Criminal Procedure, to set aside and revise the Judgment passed 03.01.2020 in C.A.No.157 of 2018, on the file of the Learned II-Additional District and Sessions Judge, Thiruvallur at Poonamalee, filed in C.C.No.272 of 2016, on the file of the learned Judicial Magistrate, Fast Track Court, (Magistrate Level) at Ambattur.

For Petitioner : Mr.K.Dakshinamoorthy

For Respondent : No Appearance

**ORDER**

This case is covered by the Full Bench Judgment of this Court in ***K.Rajalingam Vs. Suganthalakshmi<sup>1</sup>***. In view thereof, on 08.08.2022, this Court passed an order directing the respondent/complainant to file transpose application. In this case, as on today no application for transpose has been



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filed on behalf of the respondent/complainant. Earlier itself, this Court had indicated that if no transpose application is filed, the revision will be closed with liberty to the respondent/complainant to file a fresh appeal against the acquittal.

2.In view thereof, the Judgment of the Learned II-Additional District and Sessions Judge, Thiruvallur at Poonamalee, dated 03.01.2020 in C.A.No.157 of 2018, has to be treated as “*non est*” in the law, accordingly, the Criminal Revision Case is ordered to be closed.

3.However, it will be open to the respondent/complainant to file an appeal against the acquittal. If and when such appeal against acquittal is filed, the time spent, for the appeal before the II-Additional District and Sessions Court, Thiruvallur at Poonamalee, and also for the Revision before this Court, shall be excluded for the purpose of computation of 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 & Sessions Court, Thiruvallur, Poonamalee.
- 2.The Judicial Magistrate, Fast Track Court, (Magistrate Level), Ambattur.



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**D.BHARATHA CHAKRAVARTHY, J.**

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