



Crl.O.P.No.7848
in Crl.A.No.SR9387 of 2022

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P.N.PRAKASH, J.
AND
A.A.NAKKIRAN, J.

(Made by *P.N.PRAKASH, J.*)

Challenging the judgment and order of acquittal of the respondent/accused dated 16.12.2020 passed in S.C.No.352 of 2017 on the file of the I Additional District and Sessions Court, Tindivanam, the petitioner/State has filed the present appeal along with this criminal original petition seeking special leave under Section 378(3) Cr.P.C.

2. It is the case of the prosecution that the deceased Kalidass was the father-in-law of the respondent/accused; the respondent/accused had severely beaten his wife Kanaga (PW4) on 07.04.2017 for not bringing money from her parents; therefore, Kanaga (PW4) went to her parental home and complained to her father Kalidass; on the next day i.e., 08.04.2017, when Kalidass was going to a medical shop for purchasing medicines, he was accosted by the respondent/accused and was assaulted with an iron rod; Kalidass was admitted in various hospitals and ultimately, he succumbed to the injuries on 30.04.2017.

3. On these allegations, the respondent/accused was tried in S.C.No.352 of 2017 and has been acquitted by the trial Court on 16.12.2020.

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4. On a cursory perusal of the findings of the trial Court, it is seen that the trial Court has not appreciated the evidences of the prosecution witnesses 1 to 4 in the appropriate perspective and therefore, this is a fit case to grant leave.

Accordingly, this criminal original petition is allowed by granting leave. The Registry is directed to number the appeal, if the same is otherwise in order and post the appeal for admission.

(P.N.P.,J.) (A.A.N.,J.)
05.04.2022

nsd

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