



WEB COPY



Crl.O.P.No.8415 of 2022
in Crl.A.No.SR15009 of 2022

Crl.O.P.No.8415 of 2022
in
Crl.A.No.SR15009 of 2022

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

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

This criminal original petition has been filed seeking to grant leave to file the above appeal against the judgment and order of acquittal dated 09.12.2020 passed in S.C.No.78 of 2019 on the file of the III Additional District and Sessions Court, Erode at Gobichettipalayam.

2. The petitioner/complainant initiated a prosecution in S.C.No.78 of 2019 against the respondents/accused, in which, the III Additional District and Sessions Court, Erode at Gobichettipalayam, by judgment and order dated 09.12.2020, acquitted the respondents/accused of all the charges framed against them.

3. Challenging the judgment and order of acquittal, the petitioner/State has preferred the present petition seeking leave.

4. Heard Mr.R.Muniyapparaj, learned Additional Public Prosecutor appearing for the petitioner/State.



WEB COPY



Crl.O.P.No.8415 of 2022
in Crl.A.No.SR15009 of 2022

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

nsd

5. On a cursory reading the judgment of the trial Court, we find that, *prima facie*, the trial Court has not properly appreciated the evidences of some of the prosecution witnesses viz., PWs.1 and 2 and has exaggerated the minor contradictions in their testimonies for acquitting the respondents/accused. That apart, the reasons given by the trial Court for disbelieving the seizure of the weapons appear little unsatisfactory 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 in the usual course for admission.

(P.N.P.,J.) (A.A.N.,J.)
13.04.2022

nsd

Crl.O.P.No.8415 of 2022
in Crl.A.No.SR15009 of 2022