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Crl.R.C.Nos.462, 463 & 464 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.10.2022

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.R.C.Nos.462, 463 & 464 of 2019
and Crl.M.P.Nos.6709, 6717, 6710, 6718, 6711 & 6719

Crl.R.C.No.462 of 2019;-

M.Ranatheran

... Petitioner

Vs.

Pichandi

... Respondent

Prayer: Criminal Revision case has been filed under Section 397 r/w 401 of Cr.P.C, to set aside the sentence imposed in Crl.A.No.97 of 2018 by judgment dated 15.03.2019 on the file of the learned Additional District Judge, (FTC), Vellore, to undergo simple imprisonment for one year and to pay a sum of Rs.3,00,000/- under Section 357 Cr.P.C., by reversing the judgment of Judicial Magistrate (FTC), Vellore, in C.C.No.281 of 2011 by its judgment dated 30.08.2012.

Crl.R.C.No.463 of 2019;-

M.Rani

... Petitioner

Vs.

Saraswathi

... Respondent



Crl.R.C.Nos.462, 463 & 464 of 2019

Prayer: Criminal Revision case has been filed under Section 397 r/w 401 of Cr.P.C, to set aside the conviction and sentence imposed in Crl.A.No.42 of 2018 by judgment dated 11.03.2019 on the file of the learned Additional District Judge (FTC), Vellore, to undergo simple imprisonment for one year and to pay a sum of Rs.3,00,000/- under Section 357 of Cr.P.C., by reversing the judgment of Judicial Magistrate (FTC), Vellore, in C.C.No.337 of 2011 by its judgment dated 30.08.2012.

Crl.R.C.No.464 of 2019;-

M.Rani ... Petitioner

Vs.

Pichandi ... Respondent

Prayer: Criminal Revision case has been filed under Section 397 r/w 401 of Cr.P.C, to set aside the conviction and sentence imposed in Crl.A.No.96 of 2018 by judgment dated 11.03.2019 on the file of the learned Additional District Judge (FTC), Vellore, to undergo simple imprisonment for one year and to pay a sum of Rs.3,00,000/- under Section 357 of Cr.P.C., by reversing the judgment of Judicial Magistrate (FTC), Vellore, in C.C.No.280 of 2011 by its judgment dated 30.08.2012.

(In all the cases)

For Petitioner : Mr.M.R.Thangavel

For Respondent : No appearance



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COMMON ORDER

These Criminal Revision cases have been filed to set aside the judgment passed by the learned Additional District Judge, Fast Track Court, Vellore, in Crl.A.Nos.97, 42 and 96 of 2018 dated 11.03.2019 and 15.03.2019 respectively, thereby reversing the judgment passed by the Judicial Magistrate, Fast Track Court, Vellore, in C.C.Nos.281, 337 and 280 respectively dated 30.08.2012.

2. In view of the earlier order passed by this Court dated 17.08.2022, the respondents failed to file any petition to transpose themselves as appellants. The full bench Judgment of this Court reported in **2020 (4) CTC 1**, in the case of ***K.Rajalingam Vs R.Suganthalakshmi and batch***, held that, in the cases, where, the Sessions Court has reversed the order of acquittal passed by the Magistrate and the same has been challenged by the accused before this Court by way of revision petition and the same is pending, the same should be treated as an appeal pending before this Court against the order of acquittal passed by the Magistrate, by disregarding the order passed by the Sessions Court. In all those cases, the complainant must file a transpose petition and the Registry



must convert the same as Criminal Appeals by showing the complainant as the Appellant and the accused as the Respondent. The Memorandum of grounds of Criminal Appeal filed before the Sessions Court will be considered as the grounds in the renumbered Criminal Appeal. The said judgment passed by this Court, the present revisions have to be converted as appeals as against the acquittal and the respondents have to file applications for transposing themselves as appellants in these cases.

3. This Court already gave liberty to the respondent to file transpose petitions on or before 01.09.2022. However, they failed to file any application to transpose them as appellants. After receipt of notice, the respondents names were printed in the cause list. Even then they failed to appear before this Court.

4. In view of the above, the judgment passed by the learned Additional District Judge, Fast Track Court, Vellore, in Crl.A.Nos.97, 42 and 96 of 2018 dated 11.03.2019 and 15.03.2019 are hereby set aside. The respondents in all the revision petitions are at liberty to file a transpose petition before this Court, challenging the order of acquittal dated 30.08.2012 in C.C.Nos.281, 337 and 280 of 2011 on the file of the Judicial Magistrate (FTC), Vellore, within a



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period of two weeks from the date of receipt of a copy of this order.

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5. Accordingly, these Criminal Revision cases stand allowed.

Consequently, connected miscellaneous petitions are closed.

31.10.2022

Index:Yes/No

Speaking/Non speaking order

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To

1.The Additional District Judge, (FTC),
Vellore.

2.The Judicial Magistrate, (FTC),
Vellore.



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G.K.ILANTHIRAIYAN.J,

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