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Crl.O.P.No.28674 of 2022  
in Crl.A.No.SR44782 of 2022

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**P.N.PRAKASH, J.**

and

**G.CHANDRASEKHARAN, 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 22.03.2022 passed in S.C.No.140 of 2016 on the file of the Principal District and Sessions Court, Nagapattinam.

2. The petitioner/complainant initiated a prosecution in S.C.No.140 of 2016 against the respondents/accused, in which, the Principal District and Sessions Court, Nagapattinam, by judgment and order dated 22.03.2022, 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 and Mr.U.Kathiravan, learned counsel for the respondents/accused.

**P.N.PRAKASH, J.**



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nsd

5. It is the case of the prosecution that on account of previous enmity, the accused waylaid the deceased on 21.10.2014 at 11.30 p.m., attacked him and caused his death. The trial Court has disbelieved the evidence of Rajesh (PW3) and Kumar (PW4), who were the eyewitnesses and has acquitted the accused.

6. On a cursory reading of 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. 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. Print the name of Mr.U.Kathiravan, learned counsel for the respondents/accused in the cause list.

**(P.N.P.,J.) (G.C.S.,J.)**  
**24.11.2022**

nsd

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