



settled that the appeal against the order of acquittal passed by a Magistrate on a complaint, an appeal alone will lie only before the High Court under Section 378(4) of Cr.P.C. Hence, the learned counsel for the petitioner submitted that he may be permitted to withdraw this revision case with a liberty to file a fresh appeal before the High Court.

3. Since the remedy open to the petitioner is only by way of preferring an appeal and the confusion caused due to the conflicting judgments have now been settled by the later Full Bench Judgment of this Court, in the interest of justice, the petitioner should be allowed to withdraw this case with a liberty to file an appeal against the order of acquittal passed by the Magistrate.

In the result, this Criminal Revision Case is dismissed as withdrawn with a liberty to file an appeal. Since the certified copy of the judgment has been annexed with the appeal filed by the petitioner before the District Court, the set of papers filed by the petitioner may be returned by substituting the xerox copy attested by him.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Sni

To

1.The III Additional Sessions Judge,
Salem.

2.The Judicial Magistrate No.1,
Salem.

3.The Deputy Registrar,
Criminal Side,
High Court of Madras.

+1 cc to Mr.L.Mouli, Advocate Sr.NO. 5736

Cr1.R.C.No.1191 of 2017

mt (CO)

A.SK(28.02.2022)