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Crl.O.P.No.33444 of 2019
in Crl.A.Sr.No.61890 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.No.33444 of 2019
in Crl.A.Sr.No.61890 of 2019

S.Arjunan,

... Petitioner

Vs.

1. State Rep. by,
Inspector of Police,
Erode Town Police Station,
Erode District.
Crime No.773 of 2012.

2. Praveenkumar

... Respondents

Prayer: Criminal Original Petition is filed under Section 378 (4) of Cr.P.C., to grant Special leave and permit the petitioner to prosecute the above appeal filed against the order of acquittal in respect of Section 306 of I.P.C dated 20.09.2019 made in S.C.No.48 of 2018 on the file of the Sessions Court, Magalir Neethi Mandram (Fast Track Mahila Court), Erode.

For Petitioner : Mr.M.Guruprasad

For R1 : Mr.C.E.Pratap,
Govt. Advocate (Crl.Side)

For R2 : Mr.M.Manokaran



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ORDER

The Learned Counsel for the petitioner seeks permission of this Court to not press the petition for granting leave to file an appeal against the order of acquittal passed in S.C.No.48 of 2018 on the file of Sessions Court, Magalir Neethi Mandram, Fast Track Mahila Court, Erode.

2. In view of the judgment of the Hon'ble Supreme Court in *Naval Kishore Mishra -vs- State of Uttar Pradesh and others* reported in **2019 (13) SCC 182**, leave to appeal is not required, when victim filed appeal under Section 372 r/w 378 of Cr.P.C., against the order of acquittal.

3. Accordingly, this Criminal Original Petition is dismissed as not pressed.

21.12.2022

Internet : Yes / No

Index : Yes / No

Speaking Order / Non Speaking order

Note: Registry is directed to number the appeal if it is otherwise in order.

bsm



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To,

- 1.The Sessions Court, Magalir Neethi Mandram (Fast Track Mahila Court), Erode.
2. The Inspector of Police, Erode Town Police Station, Erode District.
3. The Public Prosecutor, High Court, Madras.



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V.SIVAGNANAM, J.

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