



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2022

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.R.C. (MD)No.348 of 2021

V.Santhi

... Petitioner

Vs.

1.A.Velusamy

2.R.Raja Sulochana

3.S.Saroja

4.M.Selvaraj

5.K.Mahalakshmi

6.A.Kaliammal

7.R.Saranya

... Respondent/Respondent/Accused

8.The Inspector of Police,
All Women Police Station,
Papanasam,
Thanjavur District

... Respondents/Respondent/Complainant

Prayer: This Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C. to set aside the portion of the order, dated 23.01.2020, passed by the learned Principal Sessions Judge in Cr.M.P.No.411 of 2020, dismissing the petition to condone the delay of 18 days regarding the portion questioning the correctness of the quantum of the sentence awarded in the judgment and acquittal of other offences dated 05.12.2019, passed in C.C.No.140/2012, by the District Munsif Court cum Judicial Magistrate, Papanasam.

For Petitioner : Mr.P.Sesubalan Raja

For R1 to R7 : Mr.D.Selvanayagam

For R8 : Mrs.M.Aasha
Government Advocate (Crl.Side)

ORDER

The Criminal revision petition has been filed seeking to set aside the order passed in the portion of the order, dated 23.01.2020, passed by the learned Principal Sessions Judge in Cr.M.P.No.411 of 2020, thereby, dismissing the petition to condone



the delay of 18 days regarding the portion questioning the correctness of the quantum of the sentence awarded in the judgment and acquittal of other offences, dated 05.12.2019, passed in C.C.No.140/2012, by the District Munsif Court cum Judicial Magistrate, Papanasam.

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2.The petitioner is the complainant and the respondents are accused in C.C.No.140/2012 charged for the offences under Sections 498(A), 494, 294(B) and 506(2) of IPC. The trial Court convicted the first respondent for the offences under Section 498(A) alone and insofar as other offences are concerned, he was acquitted. The trial Court also acquitted the accused Nos. 2 to 7, namely, respondents 2 to 7 herein, from all the charges. Aggrieved by the same, the petitioner being the defacto complainant, had preferred an Appeal as against the order of acquittal in respect of respondents 2 to 7 and also as against the first accused against the lesser punishment awarded with delay of 18 days in filing the Appeal. The first Appellate Court had allowed the condone delay petition as against the order of acquittal insofar as respondents 2 to 7 are concerned and dismissed the condone delay petition as against the first accused, since the petitioner is the victim cannot prefer any Appeal under Section 372 of Cr.P.C. Now the defacto complainant has also preferred an Appeal for the conviction of Accused No.1 for awarding lesser punishment.

3.In view of the above, the order passed by the learned Principal Sessions Judge in Cr.M.P.No.411 of 2020 is set aside. Condone delay petition allowed. The Court below is directed to number the appeal and proceed further in accordance with law. Further, the first Appellate Court is directed to dispose of the criminal appeal along with criminal appeal No.158/2019 filed by the first respondent herein against the order of conviction.

4.In view of the above, Criminal revision petition is allowed.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

lr

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To:

- 1.The Principal Sessions Judge,
Thanjavur.
- 2.The District Munsif Court cum
Judicial Magistrate, Papanasam.
- 3.The Inspector of Police,
All Women Police Station,
Papanasam,
Thanjavur District
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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_RD(30.05.2022) 3P 5C