

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**FRIDAY, THE FIRST DAY OF JULY
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL APPEAL NO: 519 OF 2020

**Crl.Appeal Under Section 372 of Cr.P.C. against the Judgement dated
21-06-2018 in C.C.No. 13 of 2016 on the file of the Court of the Judicial
magistrate of First Class, Luxettipet**

Between:

**Pallerla Rajasekhar, S/o. Gurvaiah, Aged 36 yrs., Occupation. Business, R/o.
Uthukur Village, Luxetipet Mandal, Adilabad District.**

...APPELLANT/ DEFACTO COMPLAINANT

AND

- 1. The State of Telangana , Rep. by its Public Prosecutor, High Court at
Hyderabad.**
- 2. Gampa Rajesham, S/o. Buchaiah, Aged 49 yrs., Occupation. Business, R/o.
Beat Bazar, Uthkur Village, Luxetipet Mandal, Adilabad District.**
- 3. Gampa Srinivas, S/o. Buchaiah, Aged 42 yrs., Occupation Business, R/o.
Godavari Road, Luxettipet, Adilabad District.**

...RESPONDENTS

Counsel for the Appellant: SRI. K. V. SUBBA REDDY

Counsel for the Respondent No.1 : THE PUBLIC PROSECUTOR

Counsel for the Respondent No. 2 &3 : SRI K. VENUMADHAV

The Court Delivered the following: Judgment

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL APPEAL No. 519 OF 2020****ORDER:**

The present Criminal Appeal is filed aggrieved by the order of the acquittal against the respondents 2 & 3/Accused Nos.1 & 2 passed in C.C.No.13 of 2016, dated 21.06.2018 on the file of the Judicial Magistrate of First Class, Luxettipet, for the offences punishable under Section 326 read with 34 of Indian Penal Code.

2. The acquittal is recorded by the Judicial Magistrate of First Class, Luxettipet, after trying the offence which is result of the investigation conducted by the Luxettipet Police Station and charge sheet being laid. The appeal against the acquittal in such cases would lie to the Sessions Court as per Section 372 of the Cr.P.C., which reads as follows;

372. No appeal to lie unless otherwise provided—No appeal shall lie from any judgment or order of a Criminal Court except as provided for by this Code by any other law for the time being in force:

[Provided that the victim shall have a right to prefer an appeal against any order passed by the Court acquitting the accused or convicting for a lesser offence or imposing inadequate compensation, and such appeal shall lie to the Court to which an appeal ordinarily lies against the order of conviction of such Court].

3. As required under provision of Section 372 of Cr.P.C., order of acquittal has to be preferred and lies before the Court to which an appeal ordinarily lies against the order of conviction of such Court.
4. In the present case, the Court recording the acquittal is Judicial Magistrate of First Class, Luxettipet and accordingly in the event of any conviction by the said Judicial Magistrate of First Class, Luxettipet, the appeal would lie to the Sessions Court.
5. In the said circumstances, the present appeal is not maintainable before this Court and accordingly, the Registry is directed to return the case papers to the appellant to enable filing of the appeal before the Sessions Court, if so advised. Needless to say the Sessions Court would consider the petitioner filing the appeal on misconception of law as a ground to condone the delay.
6. Accordingly, the Criminal Appeal is disposed off.

Miscellaneous applications, if any pending in this criminal appeal, shall stand closed.

**SD/-A.V.S.S.C.S.M.SARMA
DEPUTY REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To

1. The Judicial First Class Magistrate at Luxettipet, Adilabad District.
2. The Station House officer, Luxettipet Police Station, Adilabad District.
3. Two CCs to Public Prosecutor, High Court at Hyderabad for the State of Telangana (OUT)
4. One CC to SRI. K V SUBBA REDDY Advocate [OPUC]
5. One CC to SRI. K. VENUMADHAV, Advocate [OPUC]
6. Section officer criminal section High Court for the State of Telangana Hyderabad
7. Two CD Copies
8. One Spare Copy

HIGH COURT

DATED:01/07/2022



Judgment

CRL. A.No.519 of 2020

DISPOSING OF THE CRL. APPEAL.

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