



Crl.O.P.No.1080 of 2023 in Crl.A.Sr.No.1083 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2023

CORAM

THE HON'BLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.No.1080 of 2023
in
Crl.A.Sr.No.1083 of 2023

M.Manoharan

... Petitioner

Vs.

P.Ganesan

... Respondent

Prayer:- Criminal Original Petition has been filed under Section 378(4) of Cr.P.C., praying to grant special leave to file the appeal against the judgment of acquittal passed in S.T.C.No.1009 of 2016, dated 20.10.2022 on the filed by the Judicial Magistrate No.V, Coimbatore.

For Petitioner : Mr.C.Deivasigamani

ORDER

This petition has been filed by the petitioner/complainant to grant leave to file an appeal against the judgment dated 20.10.2022 made in S.T.C.No.1009 of 2016 on the file of the learned Judicial Magistrate-V, Coimbatore.



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2. The learned counsel for the petitioner submitted that the petitioner/complainant filed a private complaint in S.T.C.No.1009 of 2016 before the learned Judicial Magistrate-V, Coimbatore, against the respondent/accused for the offence punishable under Section 499 r/w.500 I.P.C.. The Trial Court, after taking cognizance in S.T.C.No.1009 of 2016, examined four (4) witnesses as PW.1 to PW.4 and marked four (4) documents as Ex.P1 to Ex.P4. He further submitted that the Trial Court without considering these evidences properly acquitted the respondent vide judgment dated 20.10.2022. There is a *prima facie* case taking cognizance to file an appeal against the acquittal and thus pleaded to grant leave to file Criminal Appeal.

3. Heard the learned counsel for the petitioner. I have perused the materials on record.

4. On a perusal of the records, the fact reveals that the petitioner / complainant filed a private complaint against the respondent / accused for



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the offence under Section 499 r/w.500 I.P.C. After recording the sworn statement of the complainant, the case has been taken on file in S.T.C.No.1009 of 2016 by the learned Judicial Magistrate No.V, Coimbatore. On perusing the complaint as well as the sworn statement of the witnesses, the Trial Court found no ingredients to attract the offence under Section 499 r/w.500 I.P.C., as against the accused, hence the accused was acquitted.

5. I find no infirmity in the acquittal order passed by the Trial Court and no *prima facie* case has been made out either on facts or law and no merit in this case. As such, this Court is inclined to dismiss the petition.

6. This Criminal Original petition is dismissed accordingly.

30.01.2023

rpl

To
The Judicial Magistrate No.V, Coimbatore.

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V.SIVAGNANAM, J.,

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