



WEB COPY



Criminal Appeal No.384 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Criminal Appeal No.384 of 2015

V.Elango

.... Appellant

vs.

M.Syed Jaffar
S.I. of Police
Koovathur Police Station
(Since Retired)

... Respondent

Prayer: Criminal Appeal under Section 372 of the Criminal Procedure Code, 1973 against the judgment of the District Munsif-cum-Judicial Magistrate, Thirukazhukundram in C.C.No.114 of 2012 dated 30.09.2014.

For Appellant : Mr.K.Veeraraghavan
For Respondent : No appearance
(name printed in the cause list)

J U D G M E N T

This Criminal Appeal has been filed against the judgment and order passed by the District Munsif-cum-Judicial Magistrate, Thirukazhukundram in C.C.No.114 of 2012, dated 30.09.2014, acquitting the respondent from all charges under Section 248(1) of Cr.P.C.

2. The defacto complainant is the appellant in this criminal appeal. Private complaint was given by the defacto complainant on the ground that the respondent who was working as Sub Inspector of Police at Koovathur Police Station did not



immediately register an FIR in spite of the directions issued by the High Court and that the respondent altered the offence under Section 506(ii) and thereby enabled the accused persons to get anticipatory bail and that the case was not investigated in a proper manner and the final report was also not filed within the time stipulated by the High Court and ultimately the final report itself was filed by leaving a lot of discrepancy to enable the accused persons to get relieved from the criminal case. On these grounds, charges were framed against the respondent for offence under Sections 193, 217 and 218 of IPC.

3. The petitioner examined himself as P.W.1 and examined two other witnesses as P.W.2 and P.W.3. Exs.P1 to P7 were marked on the side of the petitioner.

4. The Court below on considering the facts and circumstances and on appreciating the evidence available on record, came to a conclusion that none of the charges were proved against the respondent. The view taken by the Trial Court on appreciation of evidence, is a possible view and hence this Court is not inclined to interfere with the same. The Apex Court in **N.Vijayakumar -Vs- State of Tamil Nadu** reported in **2021 (1) Madras Law Weekly (Criminal) 602**, has categorically held that, once the Trial Court on assessing the materials acquits the accused and if it is a "possible view", the same cannot be reversed in appeal. Order of acquittal will be interfered only when there is clinching infirmity in appraisal of the evidence or finding suffers from infirmity and arbitrariness. This Court is not able to find any such perversity or arbitrariness in the order of acquittal passed by the Court below and



Criminal Appeal No.384 of 2015

there is no scope for interference with the same in this appeal.

WEB COPY

5. In view of the above discussion, this Criminal Appeal stands dismissed.

10.03.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
KST

To

The District Munsif-cum-Judicial Magistrate,
Thirukazhukundram.



WEB COPY



Criminal Appeal No.384 of 2015

N. ANAND VENKATESH, J.

KST

Criminal Appeal No.384 of 2015

10.03.2023