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Crl.MP.No.13678, 13683 & 13684 of 2023
in Crl.RC.Nos.509, 507 & 508 of 2020

SATHI KUMAR SUKUMARA KURUP, J.,

From the records, it is found that the Revision Petitioner had not filed any petition seeking lieu of the Court. On perusal of the judgment of the Full Bench in K.Rajalingam Vs R.Suganthalakshmi (Crl.A.Nos.89 and 90 of 2020 and Criminal Revision Case Nos.497 and 536 of 2019 dated 28.05.2020), it is found that in Clause (d) of para-29, it is stated as follows:

(d) In cases, where, the Sessions Court has reversed the order of acquittal passed by the Magistrate and the same has been challenged by the accused before this Court by way of revision petition and the same is pending, the same should be treated as an Appeal pending before this Court against the order of Acquittal passed by the Magistrate, by disregarding the order passed by the Sessions Court. In all those cases, the complainant must file a transpose petition and the Registry must convert the same as Criminal Appeals by showing the complainant as the Appellant and the accused as the respondent. The Memorandum of grounds of Criminal Appeal filed before the Sessions Court will be considered as the memorandum of grounds of appeal in the renumbered Criminal Appeal.



2. The learned counsel for the Respondent has no objection to the complainant filing this Transpose Petition.

3. In the light of the same, the Revision Petition shall be treated as an Appeal pending before this Court against the order of Acquittal passed by the Magistrate, disregarding the order passed by the Sessions Court. Further, the Complainant shall be treated as the Appellant and the Accused as the Respondent. The memorandum of grounds of Criminal Appeal filed before the Sessions Court will be considered as the memorandum of grounds of Appeal in the re-numbered Criminal Appeal.

4. The Registry is directed to convert the same as a Criminal Appeal. Accordingly, this Criminal Miscellaneous Petitions are allowed.

5. Post the Criminal Appeal on 21.09.2023.

07.09.2023

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