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Crl. O.P. No.6258 of 2023 and Crl.A.SR No.50391 of 2022

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and
Crl.A.SR No.50391 of 2022

R.HEMALATHA, J.

This petition is filed under Section 378(3) Cr.P.C, to grant leave to file an appeal against the judgment passed by the learned Sessions Judge for Exclusive Trial of Bomb Blast Cases, Chennai, Poonamallee, in S.C. No.08 of 2017 dated 31.01.2022, whereby the accused was acquitted.

2. Mr. R. Vinothraja, learned counsel for the petitioner contended that the trial court had acquitted the accused mainly on the ground that there is no motive for the accused to commit the offence. He would also contend that when P.W.12 had clearly identified the accused both to the police and to the Court, the trial court did not consider the same, especially when P.W.12 withstood the testimony of cross examination. It is his further contention that though A3 participated in the trial by cross examining all the witnesses, the trial court acquitted the accused on the ground that A3 was not at all arrested by the police. He therefore prayed for granting leave to file this appeal.

R.HEMALATHA, J.



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3. It is seen from the records that all the prosecution side witnesses were examined by A2 and A3 and it is not known as to why the trial court had observed that A3 was not at all arrested by the police. The trial court had also held that since P.W.12 is an interested witness, his evidence cannot be taken into account. In such circumstances, there are arguable points in the present case and therefore, leave is granted as prayed for.

4. Registry is directed to number the Criminal Appeal, if it is otherwise in order, call for the records, prepare paper book and list the matter in usual course.

05.07.2023

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