



*Crl.O.P.No.20115 of 2023
in Crl. A. SR. No.62635 of 2022*

**Crl.O.P.No.20115 of 2023
in Crl. A. SR. No.62635 of 2022**

**M.SUNDAR, J.,
and
R.SAKTHIVEL, J.,**

(Order of this Court was made by **M.SUNDAR,J.,**)

Captioned 'Criminal Original Petition' (hereinafter 'Crl.O.P.' for the sake of brevity) has been filed by the State seeking leave to file appeal against acquittal judgment dated 15.07.2022 made in S.C. No.237 of 2014 on the file of learned Sessions Judge, Mahalir Neethimandram, Allikulam, Chennai.

2. Mr.A.Gokulakrishnan, learned State Additional Public Prosecutor and Mr.B.Poul, learned counsel representing Mr.M.Rajavelu, learned counsel on record for respondents 1 and 2 (A1 and A2 before the Trial Court) are before us.

3. Adverting to support affidavit, learned Prosecutor submitted that the Trial Court has failed to take into consideration the prosecution side evidence though 18 witnesses were examined besides marking of 25 documents and 24 material objects. Learned Prosecutor submits that this would qualify as a case of grave injustice and therefore the State is on appeal.



*Crl.O.P.No.20115 of 2023
in Crl. A. SR. No.62635 of 2022*

WEB COPY

4. Learned counsel for respondents submitted that the order of acquittal deserves to be sustained and there is no perversity in appreciation of evidence.

5. We make it clear that the error in appreciation of evidence projected by learned Prosecutor (perversity) will be considered in the main appeal on its own merits and in accordance with law *de hors* this order which is made for the limited purpose of granting leave on a prima facie view. This prima facie view for grant of leave is taken based on the facts and circumstances of the case and the case file before us. With this caveat, leave is granted. Let the Registry process the appeal, assign number (if otherwise in order and if objections are removed) and list the appeal 'for Admission'.

**[M.S.,J.] [R.S.V.,J.]
31.08.2023**

mmi



WEB COPY



*Crl.O.P.No.20115 of 2023
in Crl. A. SR. No.62635 of 2022*

**M.SUNDAR, J.,
and
R.SAKTHIVEL, J.,**

mmi

**Crl.O.P.No.20115 of 2023
in Crl. A. SR. No.62635 of 2022**

31.08.2023