



WEB COPY



Crl.O.P.No.27584 of 2023
in Crl.A.SR.No.59507 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2023

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.27584 of 2023
in
Crl.A.SR.No.59507 of 2023

E.Pakkirisamy

... Petitioner/Complainant

Versus

1.M.Jayanthi

2.Mohana Krishnan

... Respondents/Accused

PRAYER: Criminal Original Petition filed under Section 378(4) of Code of Criminal Procedure, to grant leave to appeal against the acquittal order passed by the learned V Metropolitan Magistrate, Egmore, Chennai in C.C.No.1683 of 2011 dated 22.09.2023.

For Petitioner : Mr.A.T.Jayaraman

ORDER

The petitioner as complainant had filed a private complaint against the respondents for offence under Sections 420, 468, 471 of IPC. The learned V



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Metropolitan Magistrate, Egmore, Chennai by judgment dated 22.09.2023, dismissed the complaint, acquitting the accused, against which, the present revision has been filed under Section 378(4) of Cr.P.C.

2.In view of proviso to Section 372 of Cr.P.C., the petitioner ought to have file an appeal before the Sessions Court. In this case, the appeal has to be filed before the Principal Sessions Judge, Chennai. In view of the same, the learned counsel for the petitioner seeks permission of this Court to withdraw this petition. He has also made an endorsement in the petition to that effect.

3.The Registry is directed to return the original judgment copy and other related papers to the petitioner, enabling the petitioner to file his appeal before the learned Principal Session Judge, Chennai.

4.Accordingly, this Criminal Original Petition is dismissed as withdrawn. Consequently, the Criminal Appeal is rejected at the SR stage itself.



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5. Since the appeal has been filed before this Court on wrong notion but within the limitation period, the Registry of Sessions Court shall not raise any objection on the point of limitation. The petitioner is directed to file an appeal before the learned Principal Sessions Judge, Chennai within a period of thirty (30) days from the date of receipt of original papers from the Registry of this Court.

13.12.2023

Index : Yes/No
Internet : Yes/No
Speaking order/Non-speaking order
rsi

To

1. The V Metropolitan Magistrate,
Egmore, Chennai.

2. The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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