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Crl.O.P.No.28135 of 2023

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in
Crl.A.SR.No.35285 of 2023

M. NIRMAL KUMAR, J.

This petition has been filed seeking to grant special leave to the petitioner to prefer the above criminal appeal.

2.The petitioner/de-facto complainant was threatened, abused and attacked by three persons and sustained serious injuries for which, a case has been registered. The Trial Court in C.C.No.6 of 2015 proceeded against three persons for offences under Sections 294(b), 506(ii) and 326 of IPC. During trial, A2 died and the case proceeded against A1 and A3. A3 acquitted by the Trial Court from all charges and A1 acquitted for offence under Sections 294(b) and 506(ii) IPC but convicted for offence under Section 326 of IPC and sentenced to undergo two years rigorous imprisonment. A1 preferred an appeal in C.A.No.17 of 2022. The Lower Appellate Court, by judgment dated 05.07.2023, acquitted A1, against which, the present leave and appeal.

3.The contention of the petitioner is that the Lower Appellate Court found that there is a delay in lodging a complaint and weapon not seized. But the Lower Appellate Court failed to consider the reason given by the de-facto



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complaint as to why the delay has occurred. Further, the Doctor, who examined de-facto complainant, categorically spoken about the grievous nature of the injuries, which the Lower Appellate Court brushed aside.

Finding reason and force in the petitioner's submission, this Court is inclined to grant leave. Accordingly, leave is granted.

20.12.2023

Note: Registry is directed to number the Criminal Appeal, if it is otherwise in order.
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