



Crl.R.C.No.2105 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.2105 of 2023

R.Umapathy

... Petitioner

Vs.

1.Anantharaman

2.S.Srinivasan

3.Ravishankar

... Respondents

Prayer: Criminal Revision Petition filed under Sections 397 and 401 of Criminal Procedure Code, to set aside the order of the learned Principal Sessions Judge, Chengalpattu in Crl.M.P.No.250 of 2020 in C.A.SR.No.7152 of 2019 dated 15.09.2022.

For Petitioner : Mr.R.Vijayaraghavan

For R1 : Mr.T.Thiyagarajan

For R2 : Mr.M.Muniyan

For R3 : Mr.K.Karthik Jaganath



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ORDER

The petitioner as complainant filed a private complaint against the respondents in C.C.No.444 of 2005 for the offence under Sections 342, 347, 357 and 387 IPC before the learned Judicial Magistrate, Tambaram. The Trial Court after full-fledged trial dismissed the complaint and acquitted the respondents from all charges. Against which, the petitioner preferred an appeal before the learned Principal District and Sessions Judge of Kancheepuram District at Chengalpattu with a delay in Crl.A.SR.No.7152 of 2019 along with a condone delay petition in Crl.M.P.No.250 of 2020. The Sessions Court by order dated 15.09.2022 dismissed the condone delay petition. Against which the present revision petition is filed.

2.The learned counsel for the petitioner submitted that the counsel filed an appeal before the Sessions Court on a wrong premise. He would submit that in a case of private complaint, any acquittal has to be challenged by way of an appeal before this Court under Section 374(2) Cr.P.C. following the Full Bench judgment of this Court in the case of



K.Rajalingam vs. R.Suganthalakshmi reported in ***2020 SCC Online Mad***

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1052. He further submitted that the Sessions Court may be directed to return the papers in Crl.A.SR.No.7152 of 2019, enabling the petitioner to prefer an appeal before this Court along with necessary petitions.

3.The learned counsels appearing for the respondents submit that they have no objection for the same. Their only apprehension is that the petitioner has been using this criminal case against the respondents and causing harassment. It is submitted that the case is purely civil in nature which has been given a criminal colour which the Trial Court had rightly considered and dismissed the complaint.

4.This Court on the submissions made finds that the respondents' submission is on the merit of the case which this Court cannot consider at this stage. The petitioner as a complainant ought to have filed an appeal before this Court against the judgment of acquittal but had wrongly approached the Sessions Court. Further, the Sessions Court ought not to have entertained such an appeal and returned the appeal papers, but passed



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an order in the condone delay petition by dismissing the same which is not proper. Hence the order passed in Crl.M.P.No.250 of 2020 dated 15.09.2022 is hereby set aside. In view of the same, the learned Principal District and Sessions Judge of Kancheepuram District at Chengalpattu is directed to return the papers in Crl.A.SR.No.7152 of 2019 to the petitioner. The petitioner is at liberty to file an appeal before this Court.

5. With the above directions, the Criminal Revision Petition stands disposed of.

15.02.2024

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No

cse

Note: Issue order copy on 19.02.2024

To

1. The Principal District and Sessions Judge,
Chengalpattu

2. The Judicial Magistrate,
Tambaram.



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M.NIRMAL KUMAR, J.

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