



Crl.A.No.1642 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.A.No.1642 of 2023
and Crl.MP.No.20075 of 2023

Venkatesan

... Appellant

Vs.

The State rep. by
The Inspector of Police,
Ariyalur Police Station,
Ariyalur District.
[Crime No.1055 of 2020]

... Respondent

PRAYER: Criminal Appeal filed under Section 374(2) of Criminal Procedure Code, to call for entire records in S.C.No.81 of 2020 on the file of the learned Assistant Sessions Judge/Chief Judicial Magistrate, Ariyalur and to set aside the judgment dated 22.11.2023 imposing conviction and sentence on the appellant in S.C.No.81 of 2020 on the file of the learned Assistant Sessions Judge/Chief Judicial Magistrate, Ariyalur and acquit him.

For Appellant : Mr.S.Senthil

For Respondent : Mr.C.E.Pratap
Government Advocate



JUDGMENT

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The petitioner/accused in S.C.No.81 of 2020 was convicted by the learned Assistant Sessions Judge/Chief Judicial Magistrate, Ariyalur on 22.11.2023 for the offence under Section 307 IPC and sentenced to undergo seven years rigorous imprisonment and to pay a fine of Rs.5,000/-, in default to undergo six months rigorous imprisonment. Against which, the present appeal is filed.

2.It is seen that the maximum sentence imposed against the petitioner is seven years. In view of Section 374(2) CR.P.C., if the conviction imposed against the accused is seven years or below, appeal has to be filed before the Sessions Court. Hence, the Registry is directed to return the papers to the appellant to enable him to present the appeal before the Sessions Court. Further, since the appeal is filed before this Court within the limitation period, the Sessions Court is directed not to raise objection with regard to the point of limitation. The petitioner is directed to present the appeal before the Sessions Court within a period of thirty days from the date of return of papers from the Registry.



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3. Accordingly, the Criminal Appeal stands disposed of.

Consequently, connected miscellaneous petition is closed..

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Speaking Order/Non Speaking Order

Index : Yes/No

cse

To

1. The Inspector of Police,
Ariyalur Police Station,
Ariyalur District.

2. The Assistant Sessions Judge/
Chief Judicial Magistrate,
Ariyalur

3. The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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