



*Crl.O.P.No.6705 of 2025
and Crl.A.SR.No.7313 of 2025*

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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and Crl.A.SR.No.7313 of 2025

State of Tamilnadu Rep by,
The Inspector of Police,
Vigilance and Anti Corruption,
Nagapattinam.
(Crime No.01 of 2018).

.. Petitioner

Versus

Tr.K.Boominathan

.. Respondent

Prayer : Criminal Original Petition filed under Section 378(3) of Cr.P.C., to grant leave to file an appeal to this Court against the acquittal judgment passed in the learned Chief Judicial Magistrate at Thiruvarur in Spl.C.C.No.01 of 2019, dated 28.10.2024.

For Petitioner : Mr.A.Gokulakrishnan,
Additional Public Prosecutor



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For Respondent : Mr.K.Suresh



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ORDER

This Criminal Original Petition is filed by the prosecution as against the judgment, dated 28.10.2024 in Spl.C.C.No.1 of 2019 on the file of the learned Chief Judicial Magistrate at Thriuvavur, whereby, acquitting the respondent.

2. It can be seen that when the application for leave came up for hearing, a detailed order was passed on 27.03.2025 seeking the explanation of the learned Government Advocate (Crl. Side) regarding certain facts.

3. Today, when the matter is taken up for hearing, the learned Additional Public Prosecutor would submit that the *de facto* complainant is the son-in-law, who had lodged the complaint. Merely because the document patta is uploaded online, it cannot be said that the demand could not have been made at all. He would further submit that the law has been settled that even if the *de facto* complainant turns hostile, if there is other



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material enough to point out the guilt of the accused, the Court can still consider the same. He would submit that only on the ground of contradiction, a finding is entered by the Trial Court to acquit the accused.

3. Per *contra*, the learned Counsel for the respondent would submit that when the patta itself is available in public domain having uploaded on the internet, there is no occasion at all for the respondent to have made a demand and the said facts itself would clinchingly show that the prosecution case is doubtful. He would further submit that the very demand itself is doubted by the Trial Court and when there is absolutely no case that is made out by the prosecution, the leave need not be granted and the Original Petition can be rejected. He would further submit that P.W.2 was also not treated as hostile and cross-examined by the prosecution. Therefore, he would submit that there is nothing for this Court to entertain the matter.

4. I have considered the rival submissions made on either side and



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perused the material records of the case.

5. The question whether the Village Administrative Officer would have still made the demand inspite of the fact that already, the mutation is effected online, is a matter of fact to be considered in detail at the time of hearing the appeal. When the prosecution has filed the appeal stating that there are other materials on record, this Court has to examine the materials *prima facie* and when the acquittal is made only on the findings of contradiction, this has to be considered by this Court.

6. In view thereof, I am of the view that in this case, leave can be granted. Accordingly, this Criminal Original Petition stands allowed.

05.06.2025

Neutral Citation: no
grs



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***Note:- Registry is directed to number the appeal
in Crl.A.SR.No.7313 of 2025, if it is otherwise in order.***

To

1. The Chief Judicial Magistrate,
Thiruvarur.
2. The Public Prosecutor,
High Court of Madras.



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D.BHARATHA CHAKRAVARTHY, J.

grs

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