



Crl.R.C.No.620 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.07.2025

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.R.C.No.620 of 2021

State Represented by,
The Inspector of Police,
Serious Crime Squad,
(i/c) District Crime Branch,
Salem District.
(Crime No.8/2013)

... Petitioner /Complainant

Vs.

Lavanya

... Respondent/Accused

For Petitioner : Ms.J.R.Archana
Government Advocate (Crl. Side)

For Respondent : Mr.J.Jawahar

ORDER

This Criminal Revision is directed against the Judgment of the learned I Additional District and Sessions Judge, Salem dated, 03.08.2020 in C.A.No.87 of 2019. By the said Judgment, the Criminal Appeal filed by the respondent / accused was allowed and the conviction and sentence imposed vide Judgment of the Judicial Magistrate VI, Salem dated 25.03.2019 in C.C.No.184/2018 was set aside and the respondent was acquitted.

2. The respondent accused was found guilty for the offence



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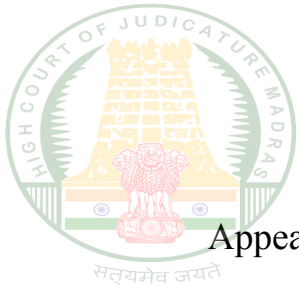
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punishable under Section 409 of I.P.C., and was sentenced to undergo Simple Imprisonment for a period of three years and to pay a fine of Rs.5000/- and in default to undergo further Simple Imprisonment for six months.

3. At the outset, it is seen that this revision is filed by the State represented by the Inspector of Police, Serious Crime Squad, (i/c) District Crime Branch, Salem District. The petitioner is the complainant / prosecuting agency and therefore is entitled to file an Appeal against the acquittal on the file of this Court. However, they have chosen to file this Criminal Revision.

4. As rightly pointed out by the learned counsel for the petitioner, there is an embargo on this Court pursuant to Section 401 (4) of the Code of Criminal Procedure, which applies where the party moving a revision is entitled to file an appeal and without exhausting the appellate remedy the present revision cannot be entertained by this Court. Since the Revision is not maintainable, this can be converted into an appeal. This Court is entitled to convert the revision into an appeal as per Section 401 (5) of Code of Criminal Procedure and consider the same on merits.

5. Registry is directed to convert this Criminal Revision into Criminal



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Appeal against the order of acquittal.

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D.BHARATHA CHAKRAVARTHY,J.



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