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Crl.OP.No.30306 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2025

CORAM:

THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.OP.No.30306 of 2025

S.Sriram

...Petitioner

Vs.

D.Poorani @ Anna Poorani

...Respondent

Criminal Original Petition filed under Section 528 of BNSS, 2023, to set aside the returned docket order dated 12.09.2025 passed by learned Principal District and Sessions Judge at Puducherry and to direct to entertain the Crl.Appeal.SR.No.7790 of 2025 dated 30.04.2025.

For Petitioner : Mr.V.Sairam

ORDER

This criminal original petition has been filed seeking quashment of the docket order dated 12.09.2025 passed by the learned Principal District and Sessions Judge, Puducherry returning the appeal in Crl.Appeal.SR.No.7790 of 2025 and for a consequential direction to entertain the said appeal.



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2. It is the case of the petitioner that he is the complainant in

C.C.No.282 of 2011 on the file of the learned Judicial Magistrate No.I, Puducherry filed against the respondent/accused for the offences under Sections 193, 195 and 211 of IPC. The trial court, without hearing the petitioner/complainant, had acquitted the respondent, vide order dated 31.12.2024. Challenging the said order of acquittal, the petitioner preferred an appeal before the learned Principal District and Sessions Judge, Puducherry in Crl.Appeal.SR.No.7790 of 2025. However, the lower appellate court had mechanically returned the said appeal papers, vide impugned docket order dated 12.09.2025 to re-present the same before this Court. Hence, this petition.

3. Learned counsel for the petitioner submitted that an appeal against an order of acquittal should be preferred before the learned Sessions Judge as per Section 413 of BNSS. However, the lower appellate court had mechanically returned the appeal papers presented by the petitioner in Crl.Appeal.SR.No.7790 of 2025, vide impugned docket order dated 12.09.2025, which is not sustainable. Accordingly, he prayed for appropriate orders.



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4. This Court gave its careful consideration to the arguments advanced by the learned counsel for the petitioner and perused the materials available on record.

5. Admittedly, it is an appeal filed against the order of acquittal dated 31.12.2024 passed in CC.No.282 of 2011. It is evident that Section 419(4) of the BNSS mandates that a complainant must obtain special leave to appeal from the High Court before filing an appeal. For better appreciation, the relevant section is extracted hereunder:

“419 (4) If such an order of acquittal is passed in any case instituted upon complaint and the High Court, on an application made to it by the complainant in this behalf, grants special leave to appeal from the order of acquittal, the complainant may present such an appeal to the High Court.”

6. On an appreciation of the abovesaid section, this Court is of the view that the lower appellate court had rightly returned the appeal filed by the petitioner/complainant against an order of acquittal and ergo, this Court is not inclined to interfere with the impugned docket order passed by the lower appellate court.



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7. Registry is directed to return the original copies of the appeal to the learned counsel for the petitioner, enabling him to present the same before this Court for appropriate orders. It is made clear that the period during which the matter has been pending before the lower appellate court shall stand excluded for the purpose of computation of limitation, if any.

8. With the above direction and observation, this criminal original petition stands dismissed.

06.11.2025

skt

Index : Yes/No
Speaking order : Yes/No
NCC : Yes/No

To:

The Principal District and Sessions Judge,
Puducherry.



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A.D.JAGADISH CHANDIRA, J.

skt

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