



WEB COPY



1/4

CRL A No. 252 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-06-2026

CORAM

THE HONOURABLE MR JUSTICE C. SARAVANAN

CRL A No. 252 of 2024

V.Thiyagarajan

Appellant(s)

Vs

S.Babu

Respondent(s)

PRAYER Criminal Appeal filed under Section 378 of Cr.P.C., to allow this appeal, set aside the judgement of acquittal passed by the Additional District Munsif-Cum-Judicial Magistrate, Ambur in S.T.C.No.144/2020 dated 14.12.2023 and convict the accused and pass such further or other orders as this Court deems fit and thus render justice.

For Appellant(s): Mr.J.Muthukumaran

For Respondent(s): A.Gouthaman
Government Advocate

ORDER

This Criminal Appeal has been filed to set aside the judgement of acquittal passed by the Additional District Munsif-Cum-Judicial Magistrate, Ambur in S.T.C.No.144/2020 dated 14.12.2023 and convict the accused.



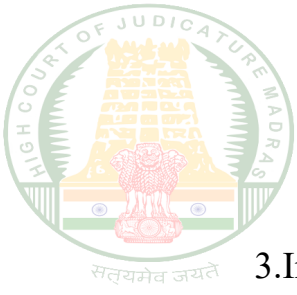
WEB COPY

2. The issue of jurisdiction stands concluded against the Petitioner in view of the decision of the Hon'ble Supreme Court dated 08.04.2025 in **Celestium Financial v. A. Gnanasekaran and Others**, reported in **MANU/SC/0823/2025**. Paragraphs 10, 11 and 12 of the said judgment are reproduced below:

10. As already noted, the proviso to Section 372 of the Code of Criminal Procedure was inserted in the statute book only with effect from 31.12.2009. The object and reason for such insertion must be realised and must be given its full effect to by a court. In view of the aforesaid discussion, we hold that the victim of an offence has the right to prefer an appeal under the proviso to Section 372 of the Code of Criminal Procedure, irrespective of whether he is a complainant or not. Even if the victim of an offence is a complainant, he can still proceed under the proviso to Section 372 and need not advert to Sub-section (4) of Section 378 of the Code of Criminal Procedure.

11. In the result, the impugned common order dated 12.06.2024 in Crl. O.P. Nos. 929, 931 and 1034 of 2024 in Crl. A. SR. Nos. 1282, 1300 and 1321 of 2024 is set aside. Liberty is reserved to the Appellant herein to file the appeal(s) having regard to the proviso to Section 372 of the Code of Criminal Procedure within four months from today.

12. Should the appeal(s) be filed within the period of four months from today, the issue of limitation may not be raised by the Respondents herein or by the appellate court.



WEB COPY

3. In view of the above, this appeal is dismissed. However, liberty is granted to the Appellant to approach the jurisdictional Appellate Court under the proviso to Section 372 of the Cr.P.C. (Section 413 of the BNSS, 2023) within days of receipt of this order.

03-06-2026

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
ssr

To

The Additional District Munsif-Cum-Judicial Magistrate,
Ambur.



WEB COPY



4/4

CRL A No. 252 of 2024

C.SARAVANAN J.

SSR

CRL A No. 252 of 2024

03-06-2026