



CRL OP(MD). No.22141 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 06/01/2026

CORAM

THE HONOURABLE MRS. JUSTICE N.MALA

CRL OP(MD). No.22141 of 2025
in
CRL A(MD)SR.No.11350 of 2025

CRL OP(MD)No.22141 of 2025

Karpagadevi

... Petitioner

Vs

Pushpam

... Respondent

PRAYER:- To grant leave to the petitioner/Appellant to prefer the appeal against the Judgment dated 31.12.2024 in S.T.C.No.249 of 2019 on the file of the Fast Track Court, Judicial Magistrate-II, Madurai.

For Petitioner : R.Manoharan
For Respondent : Mr.B.Sekar

CRL A(MD)SR.No.11350 of 2025

Karpagadevi

... Petitioner

Vs

Pushpam

... Respondent



CRL OP(MD). No.22141 of 2025

PRAYER:- This Criminal Appeal filed under Section 419 of BNSS, 2023, to call for the records and set aside the judgment dated 31.12.2024 in S.T.C.No.249 of 2019 on the file of the Fast Track Court, Judicial Magistrate – II, Madurai and convict the respondent in accordance with law.

For Petitioner : R.Manoharan

For Respondent : Mr.B.Sekar

ORDER

This Criminal Original Petition is filed to grant leave to the Petitioner to file the Criminal Appeal in Crl.A(MD)SR.No.11350 of 2025 against the impugned order passed by the learned Judicial Magistrate-II, Fast Track Court, Madurai in S.T.C.No.249 of 2019, dated 31.12.2024.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The Honourable Supreme Court in Neutral Citation-2025 INSC 804, dated 8.4.2025 in the case of *M/s.Celestium Financial .vs. A.Gunasekaran etc.*, held that application for grant of leave is not



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necessary. The Honourable Supreme Court in Paragraph No.10 of the above citation categorically held as follows:

“10.....We hold that the victim of an offence has the right to prefer an appeal under the proviso to Section 372 of the Cr.P.C 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 Cr.P.C..”

4.In view of the aforesaid dictum of the Honourable Supreme Court, the application to grant leave is not necessary and therefore the Criminal Appeal is also closed at the SR stage itself. The petitioner is given liberty to approach the concerned District Court. However, it is made clear that the period spent in prosecuting the above appeal shall be excluded for the purpose of calculating limitation.

06.01.2026

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Note: Registry is directed to return all the originals to the learned counsel for the petitioner.

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To

1. The Judicial Magistrate – II,
Fast Track Court, Madurai.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.MALA,J

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