



CRL OP(MD). No.832 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 20/01/2026

CORAM

THE HONOURABLE MRS. JUSTICE N.MALA

CRL OP(MD). No.832 of 2026

in

CRL A(MD)SR.No.61149 of 2025

CRL OP(MD)No.832 of 2026

State of Tamilnadu Rep by,
The Inspector of Police,
Airport Police Station,
Tiruchirappalli,
Crime No.163 of 2016.

... Petitioner

Vs

Thambiraja @ Shek Abdul Kadhar

... Respondent

PRAYER :- To grant leave to file an appeal to this court against the acquittal judgment passed by the learned I Additional District and Sessions Judge (PCR), Tiruchirappalli in Crl.A.No.110 of 2023 dated 18.03.2024 and conforming the judgment passed in S.C.No.221 of 2018 on the file of the learned Chief Judicial Magistrate, Tiruchirappalli, dated 26.09.2023.

For Petitioner : Mr.B.Nambi Selvam
Additional Public Prosecutor

For Respondent : Mr.K.M.Karunakaran



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State of Tamilnadu Rep by,
The Inspector of Police,
Airport Police Station,
Tiruchirappalli,
Crime No.163 of 2016.

... Petitioner

Vs

Thambiraja @ Shek Abdul Kadhar

... Respondent

PRAYER:- This Criminal Appeal filed under Section 419 of BNSS, 2023, to set aside the order of acquittal of Accused No.1 by judgment dated 18.03.2024 made in Criminal Appeal No.110 of 2023 on the file of the learned I Additional District and Sessions Judge (PCR), Tiruchirappalli and confirming the judgment passed in S.C.No.221 of 2018 on the file of the Chief Judicial Magistrate, Tiruchirappalli by allowing this criminal appeal and convict the accused No.1 as charged.

For Petitioner : Mr.B.Nambi Selvam
Additional Public Prosecutor

For Respondent : Mr.K.M.Karunakaran

ORDER

This Criminal Original Petition is filed to grant leave to the petitioner to file the above Criminal Appeal in Crl.A(MD)SR.No.61149 of 2025 against the impugned order passed by the learned I Additional District and Sessions Judge (PCR), Tiruchirappalli in Crl.A.No.110 of



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2023, dated 18.03.2024 confirming the order of the learned Chief Judicial Magistrate, Tiruchirappali made in S.C.No.221 of 2018, dated 26.09.2023,

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 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..”



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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.

20.01.2026

Sn

TO

1. The I Additional District and Sessions Judge (PCR),
Tiruchirappalli.

2. The learned Chief Judicial Magistrate,
Tiruchirappalli.



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N.MALA,J

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ORDER
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