

R.O.C.No.15269-A/2020/F1



P.Dis.34/2020
Dated: 21.02.2020

From

C.Kumarappan, B.Sc., B.L.,
Registrar General,
High Court,
Madras.

To

Sir,

Sub: High Court, Madras – Interim Order passed by the Hon'ble Full Bench in Crl.R.C.Nos.494 and 536/2019 – Direction to the Registry to circulate the copy of the order to all the Principal District Judges and Sessions Courts – Copy of the order communicated – Reg.

Ref: Interim Order, dated 03.02.2020, passed in Crl.R.C.Nos.494 and 536/2019.

As directed, I am to enclose herewith the copy of the High Court's Interim Order dated 03.02.2020 passed in Crl.R.C.Nos.494 and 536/2019, for compliance.

Yours faithfully,

REGISTRAR GENERAL

To

1. All the Principal District and Sessions Judges. }
2. The Principal Judge/The Principal Sessions Judge, City Civil Court, Chennai. } With a request
} to communicate
} the enclosed
3. The Chief Judge, Court of Small Causes, Chennai. } order to all the
} Courts under
} your jurisdiction.
4. The District Judge-cum-Chief Judicial Magistrate, The Nilgiris. }
5. The Chief Judge, Puducherry. }
6. The Director, Tamil Nadu State Judicial Academy, R.A.Puram, Chennai-28.
7. The Court Manager, High Court, Madras (with a request to communicate the enclosed order to all the Court Managers in Tamil Nadu and Puducherry through e-mode.)
8. The Section Officer, "F" section, Madurai Bench.
9. The Record Keeper, A.D.Records, High Court, Madras & Madurai.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

MONDAY THE THIRD DAY OF FEBRUARY

TWO THOUSAND AND TWENTY

PRESENT:

THE HONOURABLE MR. JUSTICE. M.M. SUNDRESH,
THE HONOURABLE MR. JUSTICE V. BHARATHIDASAN
AND
THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.R.C.Nos. 494 and 536/2019.

M.VENKATARAMAN

.. PETITIONER in Crl.R.C. 494/19

DHARANI

.. PETITIONER in Crl.R.C.536/19

Vs

D.G.BHASKARAN
S/O.GANGADHARAN

.. RESPONDENT in Crl.R.C No. 494/19
/Accused

R.PRABHAGARAN

.. RESPONDENT in Crl.R.C.536/19/
Accused

CRL.R.C.No. 494/2019:This Criminal Revision filed under Section 374 and 401 of the Cr.P.C.1973 against the Judgment dated 20.2.2019 made in C.A.No. 25 of 2018 on the file of Principal Sessions Judge , Dharmapuri confirming the Judgment dated 10.04.2018 passed in C.C.No.77 of 2016 on the file of the Learned Judicial Magistrate, Fast Track Court, Dharmapuri, and set aside the same.

CRL.R.C.No. 536 of 2019

This Criminal Revision filed under Section 374 and 401 of the Cr.P.C.1973 against the Judgment dated 02.01.2019 in C.A.No.16 of 2016 on the file of learned III Addl.Sessions Judge Tiruvallur, at Poonamallee filed against the Judgment dated 14.12.2015 in STC.No.495 of 2012 on the file of Judicial Magistrate No. II, Ponneri and set aside the same.

These Criminal Revision Petitions are coming on for hearing on this day upon perusing the petitions and the judgments of the Lower Courts, and the record in these cases, and upon hearing the arguments of Mr. Arun Anbumani Advocate for the Petitioner in Crl.R.C. 494/2019 and Mr.C.M. Vinobha, Advocate

for the Petitioner in Crl.R.C.536/2019 and this Court made the following order:

(Order of the Court was made by M.M.SUNDRESH, J.)

Notice returnable by 25.02.2020. Private notice is also permitted. Learned counsel appearing for the petitioners are also permitted to serve notice on the counsel who appeared for the respondents before the lower Court.

2. Heard the learned counsel appearing for the parties.

3. Apart from the legality of the order passed by the Full Bench in S.Ganapathy Vs. N.Senthilvel (2016 (4) CTC 119), incidentally, the issues such as effect of the orders including the judgments rendered by the Courts of Sessions and the pending matters are also to be looked into. In fact, the learned single Judge has made a reference to that effect, which is extracted hereunder:

In the event of the law laid down by the Full Bench in S.Ganapathy (supra) being overruled, what impact would such overruling have on the cases which have been decided by the Courts of Sessions during the interregnum?

4. As continuation of the proceedings before the Sessions Courts, challenging the order of acquittal passed by the Magistrate Courts would cause further complication and also in cases where the matters have been transferred from the High Court, pursuant to the order of the Full Bench to the appropriate Sessions Courts, we deem it appropriate to issue a general direction to all the Sessions Courts dealing with the cases pertaining to the orders of acquittal in complaint cases and matters transferred pursuant to the order of the Full Bench (referred supra) to keep them in abeyance until further orders to be passed by us. Further, the Sessions Courts are directed not to entertain any appeal filed by the complainant against the order of acquittal as in view of the judgment of the Apex Court in Mallikarjun Kodagali Vs. State of Karnataka ((2019) 2 SCC 752), prima facie such an appeal can only be maintainable before this Court under Section 378(4) Cr.P.C.

5. Considering all the issues involved, we would like to get the views of the Associations as repercussion would have a large impact. Therefore, Registry is directed to issue notice to the Advocate Association, Bar Association, Women Lawyers Association and Law Association indicating the date of hearing on 25.02.2020.

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Post the matter on 25.02.2020 at 2.15 p.m. along with
Crl.O.P.Nos.4648 to 4650 of 2018.

s/d-
Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

Sumalok hore

Note: Registry is directed to circulate the order to all the
Sessions Courts and the Principal District Judges.

To

1. The Principal Sessions Judge, Dharmapuri
2. The Judicial Magistrate, Fast Track Court, Dharmapuri
3. The III Additional Sessions Judge, Tiruvallur at Poonamallee
4. The Judicial Magistrate No. II, Ponneri
5. The Section Officer
Criminal Section
High Court, Madras 104.
6. The Section officer
F Section
High Court, Madras 104.
7. The Section officer
B Section, High Court, Madras 104.

Dated: 03.02.2020

ORDER:

Crl.R.C.494 & 536/2019

RSI (CO)
SP(10/02/2020)

Ff0017604