

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

Crl.A.No.304 of 2015

JUDGMENT:

This Criminal Appeal is filed by the *de facto* complainant under Section 372 Cr.P.C. challenging the judgment dated 07.11.2014 in Crl.A.No.188 of 2013 of the District and Sessions Judge, Chittoor reversing the judgment dated 04.07.2013 of the Additional Assistant Sessions Judge, Chittoor in S.C.No.64 of 2011 acquitting the 3rd respondent of offence punishable under Section 306 IPC.

2. The incident in question out of which this appeal arises took place admittedly on 19.11.2008. The proviso to Section 372 Cr.P.C was introduced by Act 5 of 2009 with effect from 31.12.2009 enabling the victims to challenge orders of acquittal of accused passed by the Court below as a matter of right. A Division Bench of this Court in **D.Sudhakar Vs. Panapu Sreenivasulu @ Evone Water Sree and others**, has taken the view that the proviso to Section 372 Cr.P.C is only prospective in operation, that it has no retrospective operation and would only apply to the incidents which have occurred after 31.12.2009 and not for incidents before 31.12.2009. Since in the present case, the incident in question occurred before 31.12.2009, the present appeal by the victim invoking proviso to Section 372 Cr.P.C is not maintainable.
3. Therefore, this Criminal Appeal is dismissed. The appellant is given liberty to avail any other remedy available to her at law. Registry is directed to return the certified copies of the judgments of the trial Court and the first appellate Court filed by the counsel for the petitioner to him immediately.
4. As a sequel, miscellaneous petitions pending, if any, shall

stand disposed of.

JUSTICE M.S.RAMACHANDRA RAO

Date: 01.04.2015

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THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

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