

**IN THE HIGH COURT OF KARNATAKA
DHARWAD BENCH**

Dated this the 31st Day of January 2017

BEFORE

THE HON'BLE MR. JUSTICE K.N.PHANEENDRA

Criminal Revision Petition No.100151/2015

Between

Smt. Kalavva,
W/o Veerappa Nandi,
Occ: Agriculture,
R/o Hulikeri, Tal: Dharwad. ...Petitioner

(By Sri A.P. Murari, Advocate)

A n d

1. Fakkirappa, S/o Veerappa Nandi,
Age: 38 Years, Occ: SDC in KSRTC,
R/o Hulikeri, at present
Santosh Nagar, Madhura Park
House No. 98 Hubli
2. Laxman, S/o Veerappa Nandi,
Age: 32 Years, Occ: Agriculture,
R/O. Hulikeri, Tal: Dharwad,
3. Basavaraj, S/o Saraswati Godi,
Age: 22 Years, Occ: Agriculture,
R/O. Yadravi, Tq: Savadatti,
Dist: Belgaum.
4. Manjunath S/o Veerappa Nandi,
Age: 22 Years, Occ: Student
R/O. Hulikeri, Dist: Dharwad

5. The State Of Karnataka
(Alnavar PS) R/by the Addl.
State Public Prosecutor
High Court, Dharwad Bench. ...Respondents

(By Sri M. B. Gundawade, Advocate for R1-R4
Smt. Veena Hegde, HCGP for R5)

This Criminal Revision Petition is filed u/s 397 r/w Section 401 of Cr.P.C., seeking to call for records and set aside the impugned judgment and order dated 26.02.2015 passed by the Prl. Dist. & Sessions Judge, Dharwad in Sessions Case No.76/2014 acquitting the accused and convict the accused for the offences p/u/sec. 109, 427, 307, 504, 506 r/w sec.34 of IPC for which they were charged with in Sessions Case No.76/2014, by allowing this revision petition.

This Criminal Revision Petition coming on for Admission this day, the Court made the following:

ORDER

Heard the learned counsel for the petitioner and the respondent.

2. As rightly contended by the learned counsel for the respondent, as per the proviso to Section 372, an appeal lies from the judgment of the Trial Court, to the High Court, especially when the appeal is preferred by the victim.

3. On perusal of the proviso to Section 372, it enumerates that the victim can prefer an appeal against the judgment of acquittal rendered by the Trial Court. In view of the same, the memo filed by the learned counsel for the petitioner for converting this revision petition into an appeal is allowed. Consequently, the office is hereby directed to convert this revision petition into a criminal appeal.

4. Petitioner's counsel shall carryout necessary amendments in the revision petition so as to convert the same into criminal appeal, and he is directed to file an amended appeal memorandum.

For statistical purpose, this revision petition is ordered to be disposed off.

List the appeal, after conversion and scrutiny.

**Sd/-
JUDGE**

Kms