

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2017

CORAM :

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

CrI.A.No.259 of 2015

C.Duraisamy .. Appellant/Complainant

.. Vs ..

G.Murugesan .. Respondent/Accused

Criminal Appeal filed under Section 378 of the Code of Criminal Procedure against the judgment dated 23.12.2015, passed by the learned District Munsif-cum-Judicial Magistrate, Paramathi in C.C.No.S.T.C.No.199 of 2011 and to set aside the same.

For Appellant : Mr.V.K.Sathiamurthy

For Respondent : Mr.S.Rameshkumar

JUDGMENT

For the sake of convenience, the appellant and the respondent will be referred to as the complainant and the accused.

2. The complainant initiated prosecution in S.T.C.No.199 of 2011 against the accused for the offence punishable under Section 138 of Negotiable Instruments Act, in which, the learned District Munsif-cum-Judicial Magistrate, Paramathi, by order dated 23.12.2015, acquitted the accused. Aggrieved by the said order of acquittal, the complainant has preferred the present appeal.

3. Heard the learned counsel for the complainant and the learned counsel for the respondent.

4. It is seen that Special Leave has been granted by this Court in Crl.O.P.No.10006 of 2015 in Crl.A.Sr.No.17016 of 2015 on 22.04.2015. It is trite law that for grant of Special Leave under Section 378(4) Cr.P.C., it is not necessary for this Court to hear the accused, since the accused will have to be heard in the main appeal.

5. In view of the judgment of a Full Bench of this Court in ***S. Ganapathy vs N. Senthilvel [(2016) 3 MLJ (Crl) 641 (FB)]***, the Registry is directed to transmit all the papers relating to this case to

the learned Principal District and Sessions Judge, Erode, within a period of four weeks from the date of receipt of a copy of this judgment, after taking photocopy of the papers on file.

6. The complainant is directed to appear before the learned Principal District and Sessions Judge, Erode, on 22.12.2017 at 10.30 a.m.

With the above direction, this Criminal Appeal is disposed of.

20.11.2017

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Index : Yes/No

Internet : Yes

To

1. The District Munsif-cum-Judicial Magistrate,
Paramathi.

2. The Principal and District Sessions Judge,
Erode.

P.N. PRAKASH, J.

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