

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.11.2017

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THE HONOURABLE MR. JUSTICE **P.N. PRAKASH**

CrI.O.P.No.15639 of 2016
in CrI.A.No.SR.16757 of 2017

N.M.Shanmugam

.... Petitioner

Vs

Ahamed Jaleel

.... Respondent

Petition filed under Section 378 (4) of Criminal Procedure Code against the Judgment of the Judicial Magistrate No.II, Karaikal made in S.T.R.No.483 of 2011 dated 11.07.2016.

For Appellant : Mr.L.Baskaran

ORDER

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

2. The complainant initiated a prosecution in S.T.R.No.483 of 2011 against the accused for the offence under Section 138 of the Negotiable Instruments Act, in which, the learned Judicial Magistrate No.II, Karaikal acquitted the accused by judgment dated 11.07.2016, aggrieved by which, the complainant has preferred the present appeal against the order of acquittal with a delay of 203 days, which has been condoned by this Court in CrI.M.P.No.5501 of 2017 in CrI.A.No.SR16757 of 2017.

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3. Heard the learned counsel for the complainant.

4. On a perusal of the records, it is seen that Court notice has not been served on the accused.

5. In view of the judgment of a Full Bench of this Court in **S. Ganapathy vs N. Senthilvel [(2016) 3 MLJ (CrI) 641 (FB)]**, the Registry is directed to send the records relating to this case to the Court of the Chief Judge, Puducherry, after taking a photocopy of the records, within a period of four weeks from the date of receipt of a copy of this order.

6. The complainant is directed to appear before the learned Chief Judge, Puducherry, on 11.12.2017 at 10.30 a.m.

With the above direction, the criminal original petition is disposed of. Consequently, Criminal Appeal SR No.16757 of 2017 is closed.

सत्यमेव जयते

09-11-2017

Speaking/Non-Speaking Order
Index:yes/no

Note to Office:
Issue order copy on 13.11.2017.

To

1. The Chief Judge, Puducherry,
2. The Judicial Magistrate No.II, Karaikal.

CrI.O.P.No.15639 of 2017
in CrI.A.No.SR.16757 of 2017