



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Twenty Second day of June Two Thousand Sixteen

PRESENT

The Hon`ble Dr.Justice P.DEVADASS

CRL OP(MD) No.9386 of 2016
IN
CRL A(MD)NO.SR509 OF 2004

SRI VISALAKSHI MILLS PRIVATE LTD,
REP BY ITS PRINCIPAL LEGAL OFFICER,
MANAGER AND POWER OF ATTORNEY
D.MANI CKAVASAGAM, S/O.C.THIRUNAVUKKARASU,
VADIPATTI,
MADURAI DISTRICT-625 401 ... PETITIONER/ APPELLANT

Vs

MR.K.MOORTHY ... RESPONDENT / RESPONDENT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant special leave to appeal before this Honourable Court against the judgement of the learned J.M. No.1, Madurai in C.C. No.92 of 1998 dated 22.4.2004 acquitting the accused.

PRAYER IN CRL A(MD)NO.SR509 OF 2004 :

Memorandum of Grounds of Criminal Appeal before this Hon'ble Court against the Judgment of the Judicial Magistrate No.1, Madurai, made in C.C.No.92 of 1998 dated 22.4.2004, acquitting the accused herein for the offence under section 138 of the Negotiable Instruments Act.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.MR.S.RAMASAMY, Advocate for the petitioner the court made the following order:-

Heard the learned counsel for the petitioner.

2. The petitioner wants to appeal to this Court as against the order of acquittal passed in a cheque bouncing case.

3. According to the learned counsel for the petitioner, having had financial dealing with the respondent / accused, the petitioner has burnt his fingers. Thus, besides he is being a complainant, he is also a victim of the offence. So, he is a complainant-cum-victim.



4. The order of acquittal has been passed by the learned Magistrate. So, let the petitioner prefer criminal appeal before the concerned Sessions Court. In such event, question of this Court granting leave to appeal will not arise.

5. In view of the above, we will pass the following orders and directions:

- (I) This petition is dismissed as not maintainable.
- (ii) This petition shall move before the concerned Appellate Court within 15 days from the date of its receipt and enclosures from the Registry.
- (iii) The Registrar (Judicial) will return this petition and other connected papers to the petitioner.

sd/-
22/06/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

COPY TO : THE REGISTRAR (JUDICIAL)
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT
- 3 THE SECTION OFFICER, CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE SECTION OFFICER, E.R. SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

GJM/NGM/MP/SAR-I-27.6.16-2P-6C

ORDER
IN
CRL OP(MD) No.9386 of 2016
IN CRL A(MD) NO.509 OF 2004
Date :22/06/2016