

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.11.2017

CORAM

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

Crl.O.P.No.617 of 2017

in

Crl.A.No.SR.1449 of 2017

R.Palanisamy

.... Petitioner

Vs

Radhakrishnan

.... Respondent

Petition filed under Section 378 (4) of Criminal Procedure Code against the Judgment of the learned Judicial Magistrate (Fast Track Court No.1), Erode, made in S.T.C.No.547 of 2013 dated 02.12.2016.

For Petitioner : Mr.I.C.Vasudevan

ORDER

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

सत्यमेव जयते

2. The complainant has initiated a prosecution in S.T.C.No.547 of 2013 against the accused for the offence under Section 138 of Negotiable Instrument Act, in which, the learned Judicial Magistrate, Fast Track Court No.1, Erode, acquitted the accused by judgment on 02.12.2016. Challenging which, the complainant is before this Court.

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 Principal District and Sessions Judge, Erode, 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 Principal District and Sessions Judge, Erode on 18.12.2017 at 10.30 a.m.

7. With the above directions, the Criminal Original Petition is disposed of. Consequently, Criminal Appeal SR No.1449 of 2017 is closed.

सत्यमेव जयते

13.11.2017

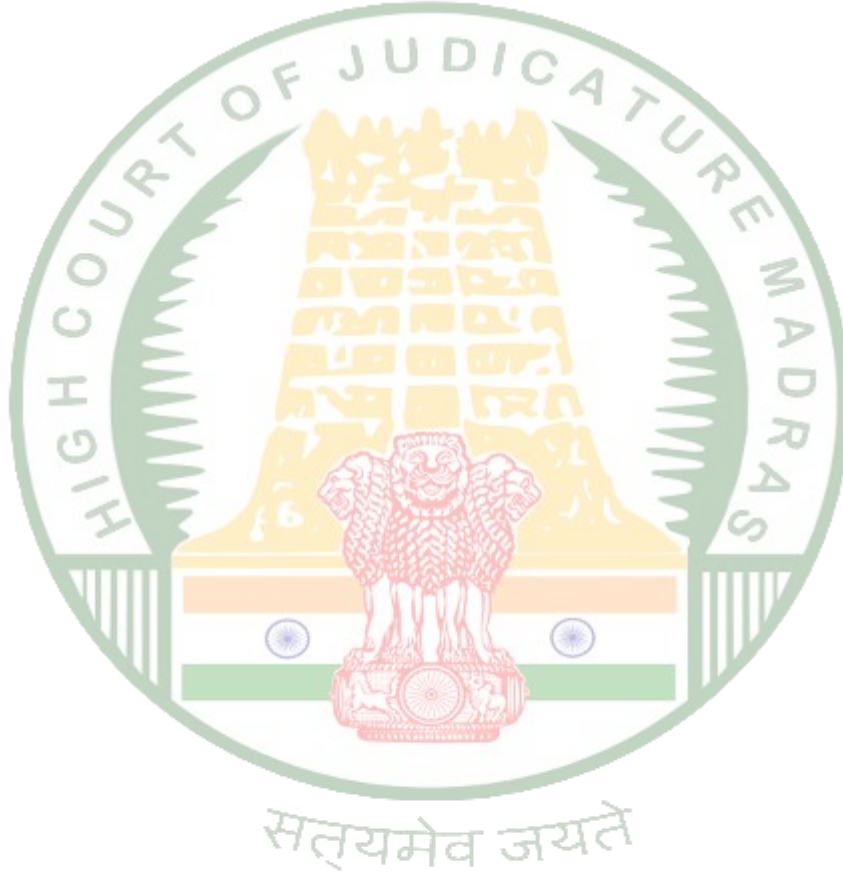
Speaking/Non-Speaking Order

Index:yes/no

WEB COPY

To

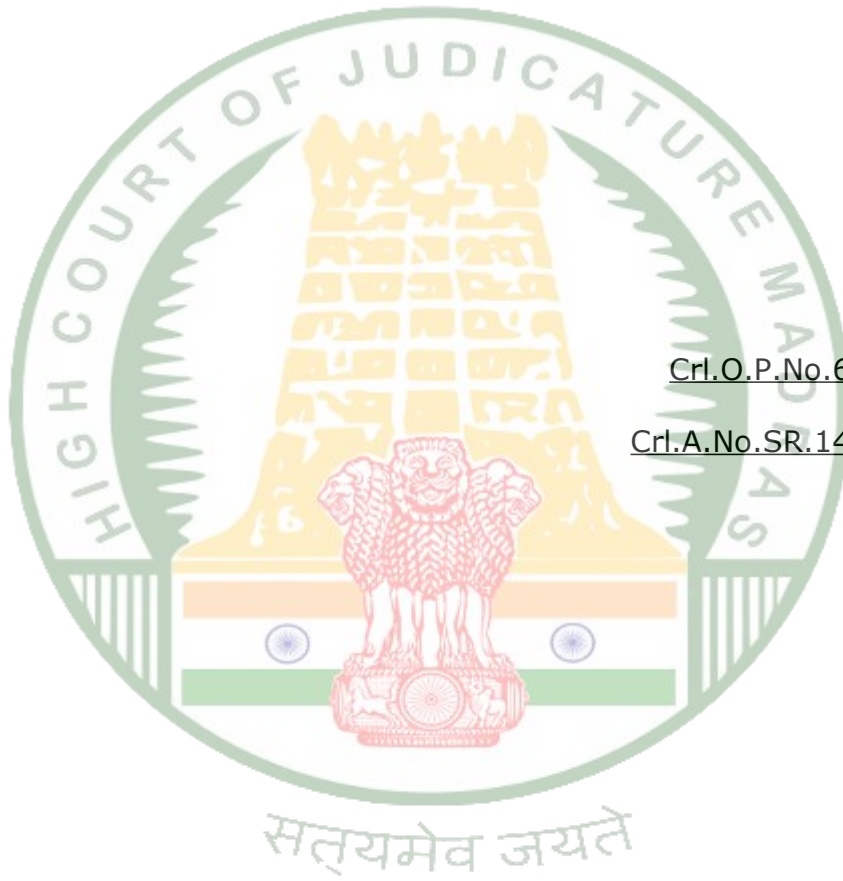
1. The Principal District and Sessions Judge,
Erode.
2. The Judicial Magistrate,
Fast Track Court No.1,
Erode.



WEB COPY

P.N.PRAKASH, J

kal



Crl.O.P.No.617 of 2017
in
Crl.A.No.SR.1449 of 2017

WEB COPY

13.11.2017