

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.11.2017

CORAM

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

Crl.O.P.No.18212 of 2016

in

Crl.A.No.SR.34413 of 2012

N.Lakshmi

.... Petitioner

Vs

V.Ramaraj

.... Respondent

Petition filed under Section 378 (4) of Criminal Procedure Code against the Judgment of the learned XIV Metropolitan Magistrate, Egmore, Chennai made in C.C.No.4315 of 2008 dated 14.09.2011.

For Petitioner : Ms.N.Lakshmi (Party-in-person)

ORDER

Heard N.Lakshmi, Party-in-Person. 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 C.C.No.4315 of 2008 against the accused for the offence under Section 138 of Negotiable Instrument Act, in which, the learned XIV Metropolitan Magistrate, Egmore, Chennai, acquitted the accused by judgment dated 14.09.2011, aggrieved by which, the complainant has preferred the present appeal against the order

of acquittal dated 14.09.2011 with a delay of 271 days. The papers were returned to the complainant by the Registry for some compliance and the same was re-presented with a delay of 102 days which was condoned by this Court on 09.08.2016 and on the same day, this Court also condoned the delay of 271 days in filing the above appeal.

3. Heard 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 the 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, Chennai, 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, Chennai on 18.12.2017 at 10.30 a.m. On the appearance of the complainant, the learned Principal District and Sessions Judge, Chennai, is directed to take adequate steps to see that the notice is served on the accused through police and on the appearance of the accused, the Appeal shall be completed within a period of three months thereafter.

7. With the above direction, the Criminal Original Petition is disposed of. Consequently, Criminal Appeal SR No.34413 of 2012 is closed.

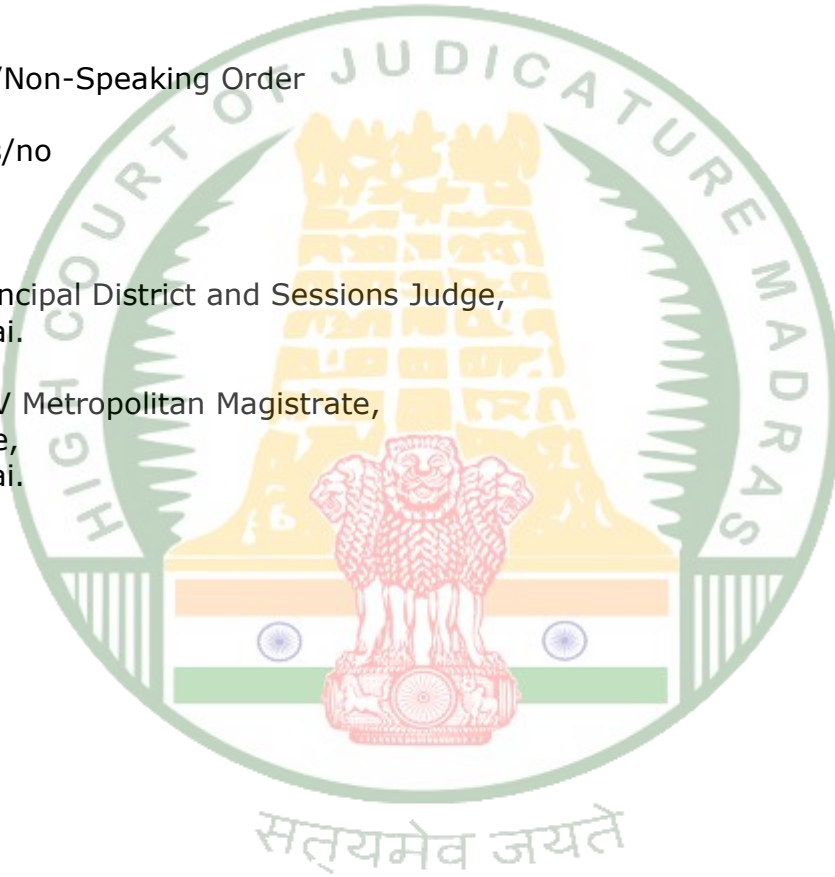
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Speaking/Non-Speaking Order

Index:yes/no

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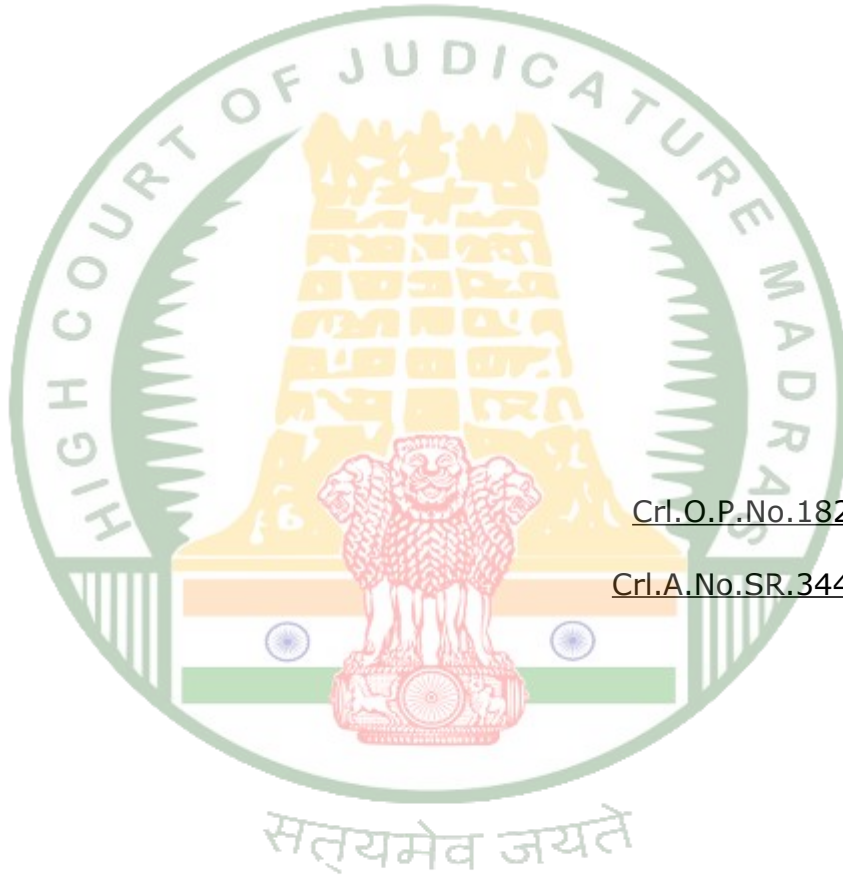
1. The Principal District and Sessions Judge,
Chennai.
2. The XIV Metropolitan Magistrate,
Egmore,
Chennai.



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P.N.PRAKASH, J

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