

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2017

CORAM:

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.A.314 of 2014

S.Palaniappan

..Appellant

Vs.

M.Amal Martin Singh

..Respondent

Criminal Appeal filed under Section 378 of the Code of Criminal Procedure Code to call for the records in C.C.No.309 of 2011, on the file of the Judicial Magistrate, FTC-II, (Magisterial Level) Coimbatore and set aside the judgment dated 09.07.2013 and convict the respondent/Accused.

For Appellant : Mr.Sithirai Anandam

For Respondent : Mr.C.D.Johnson

J U D G M E N T

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

2. The complainant initiated a prosecution in C.C.No.309 of 2011 (Old S.T.C.No.534 of 2011 of Judicial Magistrate No-6, Coimbatore under Section 138 of Negotiable Instruments Act, against the accused, in which, the accused was acquitted by the Judicial Magistrate, Fast Track Court at Magisterial Level-II, Coimbatore on 09.07.2013, challenging which, the complainant has filed the present appeal against acquittal.

3. This Court has granted special leave in Crl.O.P.No.21858 of 2013 in Crl.A.No.SR39857 of 2013 on 10.06.2014 and only thereafter, the Criminal Appeal has numbered as Crl.A.No.314 of 2014.

4. Notice has been served on the accused and Mr.C.D.Johnson, counsel for the accused has entered appearance.

5. Heard the learned counsel for the complainant and the learned counsel for the accused.

6. In view of the judgment of the Full Bench of this Court in S.Ganapathy v. N.Senthilvel [(2016) 3 MLJ (CrI.) 641 (FB)], this Court has no jurisdiction to entertain the appeal and therefore, the Registry is directed to transmit all the papers to the learned Principal District and Sessions Judge, Coimbatore within a period of four weeks from the date of receipt of a copy of this order, after retaining the photocopies of the papers on file.

7. The complainant and the accused are directed to appear before the learned Principal District and Sessions Judge, Coimbatore, on 08.01.2018 at 10.30 a.m. and the learned Principal District and Sessions Judge, Coimbatore is directed to expeditiously complete the appeal.

With the above direction, this criminal appeal is disposed of.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

mm/kmi

To

1. The Judicial Magistrate,
Fast Track Court at Magisterial Level-II,
Coimbatore.

2. The Principal District and Sessions Judge,
Coimbatore.

3.The Record Keeper
Criminal Section,
High Court Madras.

+1cc to Mr.S.Sithirai anandam, Advocate, S.R.No.84615

CrI.A.No.314 of 2014

Ks (CO)

RRK (21/12/2017)