

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.11.2017

CORAM

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

Crl.O.P.No.20138 of 2016  
in Crl.A.No.SR.29726 of 2017

K.Muthusamy

.... Petitioner

Vs

S.K.Parthasarathy

.... Respondent

Petition filed under Section 378 (4) of Criminal Procedure Code against the Judgment of the Judicial Magistrate, Fast Track Court at Magisterial Level-II, Coimbatore made in S.T.C.No.56 of 2012 dated 20.09.2012.

For Petitioner : Mr.K.Muthusamy

**O R D E R**

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.C.No.56 of 2012 against the accused for the offence under Section 138 of the Negotiable Instruments Act, in which, the learned Judicial Magistrate, Fast Track Court at Magisterial Level-II, Coimbatore acquitted the accused by the judgment dated 20.09.2012, aggrieved by which, the complainant has preferred the present appeal against the order of acquittal with a delay of 217 days, which has been condoned by this Court on 30.08.2016 in M.P.No.1 of 2013 in Crl.A.No.SR29726 of 2013. Thereafter, the present Special Leave Petition has been filed.

**P.N. PRAKASH,J.,**

cla

3. Heard the learned counsel for the complainant.

4. On a perusal of the records, it is seen that 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, Coimbatore 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, Coimbatore 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.

09-11-2017

Speaking/Non-Speaking Order  
Index:yes/no

To

1. The Principal District and Sessions Judge, Coimbatore.
2. The Judicial Magistrate, Fast Track Court at Magisterial Level-II, Coimbatore.

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