

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2017

CORAM:

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

Crl.A.778 of 2017

S. Arunachalam

..Appellant

Vs.

1. Sri Balaji Agencies,
Rep by Prop. T.Dhanapal,
Old No.7, New No.9,
Krishnasamy Street,
Ammamet, Salem-3.

2. T.Dhanapal

..Respondents

Criminal Appeal filed under Section 378(4) of the Code of Criminal Procedure to set aside the order dated 24.12.2007 and made in C.C.No.606 of 2003 by the learned Judicial Magistrate No.V, Salem.

For Appellant : Mr. Thiruganan
Senior Counsel
for Mr.S.S.Annadorai

JUDGMENT

When the matter was taken up for hearing, Mr.Thiruganam, learned senior counsel appearing for the appellant, submitted that the appellant/complainant had died on 26.09.2016. Though, the appellant had died, since special leave has been granted in this case, the appeal will not

automatically abate. Therefore, this Court perused the records and passes the following order.

2. For the sake of convenience, the parties will be referred to as the 'complainant' and the 'accused'.

3. The complainant initiated a prosecution in C.C.No.606 of 2003, under Section 138 of Negotiable Instruments Act against the accused before the learned Judicial Magistrate V, Salem. The matter was kept pending from 2003 to 2007 and ultimately on 24.12.2007, the trial Court dismissed the complaint under Section 256 Cr.P.C, since the complainant was not diligent in prosecuting the case. Challenging the said order, the complainant has filed the present appeal against acquittal.

4. It is seen that the prosecution was launched in the year 2003 and till 2007, no progress was made. It is a trite that the accused has a fundamental right under Section 21 of the Constitution of India, for a speedy trial. In such view of the matter, this Court does not find any infirmity in the order dated 24.12.2007 passed by the trial Court in C.C.No.606 of 2003 warranting interference.

In the result, this appeal is dismissed.

19.12.2017

bri/gpa

To

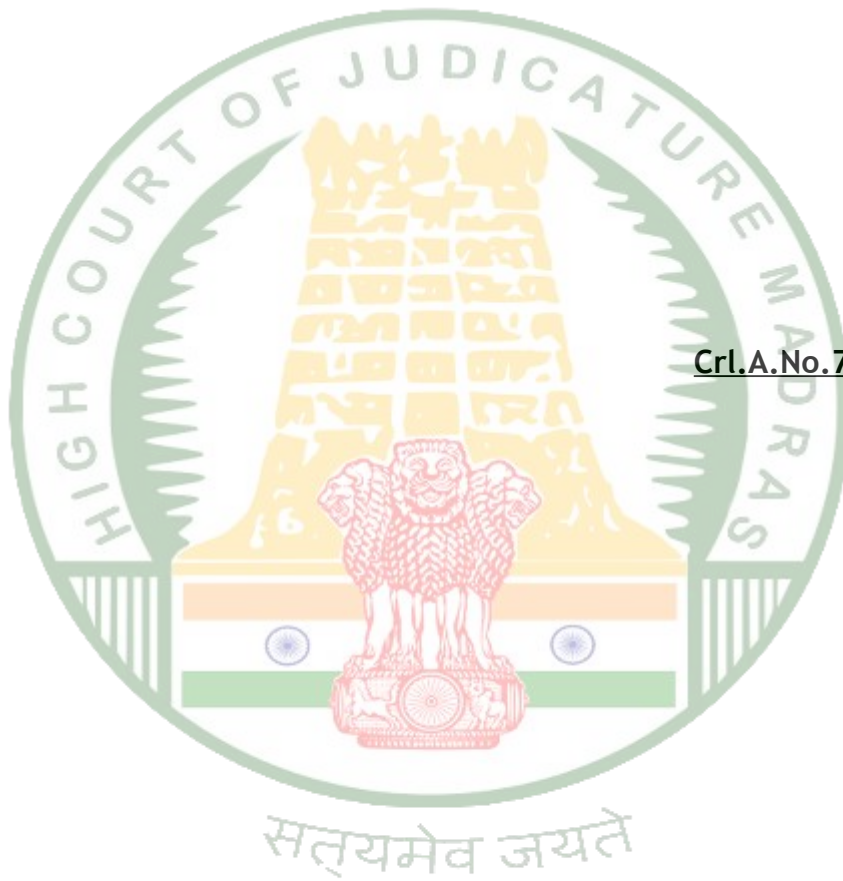
1. The Judicial Magistrate No.V,
Salem.
2. The Public Prosecutor,
Madras High Court,
Chennai.



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P.N.PRAKASH, J.,

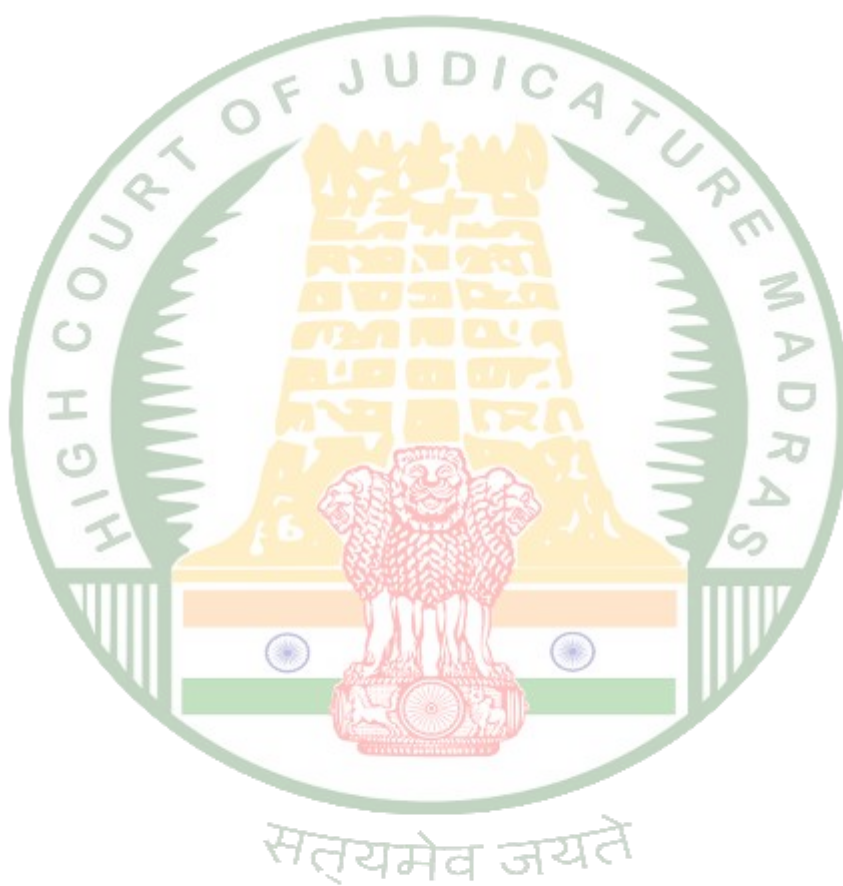
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