

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.10.2017

CORAM:

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

Crl.O.P.No.5906 of 2017
in Crl.A.SR.28976 of 2016

Srinivasan

..Petitioner

Vs.

Karthikeyan

..Respondent

Criminal Original Petition filed under Section 378(4) of the Code of Criminal Procedure to grant leave to the petitioner to prefer the Criminal Appeal against the judgment dated 24.03.2016 in S.T.C.No.623 of 2012 on the file of the Judicial Magistrate Court, No.5, Salem.

For Petitioner : Mr. R.Asokan

ORDER

This Criminal Original Petition has been filed seeking to grant leave to the petitioner to prefer the Criminal Appeal against the judgment dated 24.03.2016 in S.T.C.No.623 of 2012 on the file of the Judicial Magistrate Court, No.5, Salem.

2. The complainant has filed the present appeal against acquittal of the accused in STC.No.623 of 2012 for the offence under Section 138 of the Negotiable Instruments Act.

P.N.PRAKASH, J.,

bri/gms

3. It is seen that the transaction in question had arisen in the year 2012, which is after the Code of Criminal Procedure Amendment Act, 2008 (Act 5 of 2009) with effect from 31.12.2009. In view of the Full bench judgment of this Court in *S.Kanapathy Vs. N. Senthilvel [(2016) 3 MLJ (Crl) 641 (FB)]*, this Court has no jurisdiction to entertain this appeal and therefore, the Registry is directed to transmit all the papers to the Principal District and Sessions Court, Salem, within four weeks from the date of receipt of a copy of this order after retaining the photo copies of the papers on file. The petitioner/complainant shall appear before the Principal District and Sessions Court, Salem, on 6th November 2017.

With the above direction, this petition is closed.

04.10.2017

bri/gms

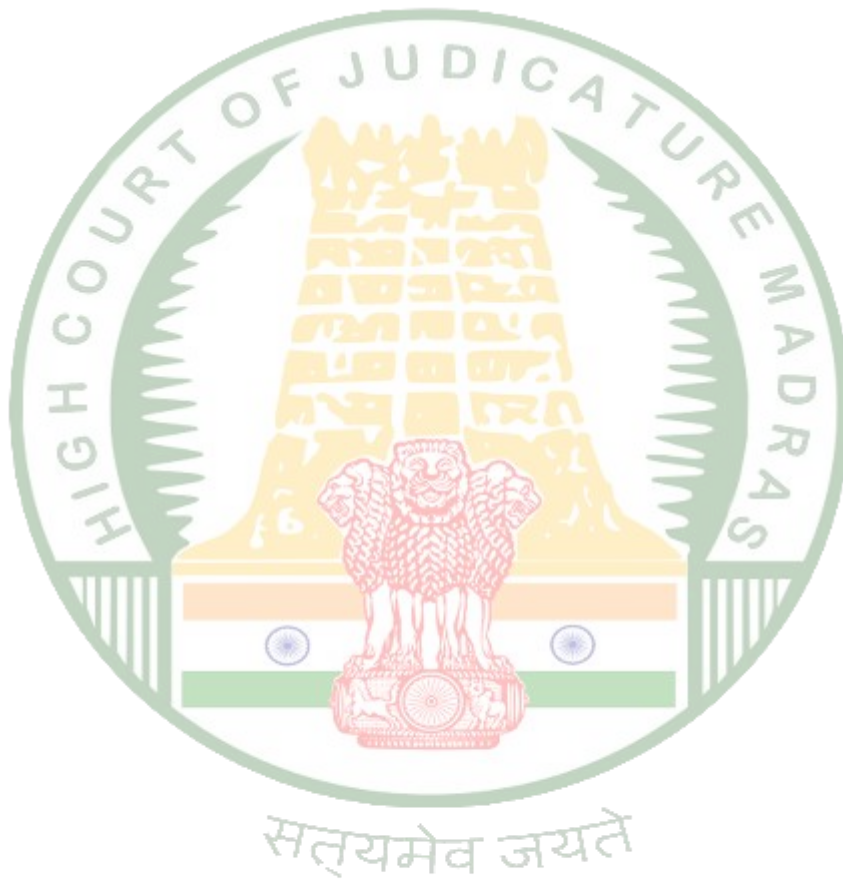
NOTE TO OFFICE:

Issue order copy today (04.10.2017)

To

- 1.The Principal District and Sessions Judge, Salem.
- 2.The Judicial Magistrate Court, No.5, Salem.

Crl.O.P.No.5906 of 2017



WEB COPY