

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED: 06.10.2017****CORAM:****THE HONOURABLE MR.JUSTICE P.N.PRAKASH****Crl.A.No.11 of 2016**

Ceragem India Private Limited,
Rep. by its authorized representative
N.Parthasarathy
Assistant Manager (Marketing)

... Appellant

Vs.

S.Natarjan, CERA CARE

... Respondent

Prayer :

Criminal Appeal filed under Section 378 (4) of the Code of Criminal Procedure, praying to call for the records pertaining to STC.No.31/2015 on the file of the Judicial Magistrate Court No.II, Chidambaram and set aside the order dated 10.10.2015 dismissing the complaint and acquitting the respondent/ accused and direct the trial court to restore the above case to file.

For Appellant : Mr.K.V.Shanmuganathan

For Respondent : Mr.K.Mathew
Government Advocate**J U D G M E N T**

This criminal appeal has been filed by the appellant seeking to call for the records pertaining to S.T.C.No.31 of 2015 on the file of the

Judicial Magistrate Court No.II, Chidambaram and to set aside the order dated 10.10.2015 dismissing the complaint and acquitting the respondent/ accused and to direct the Trial Court to restore the above case to file.

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

3.The complainant initiated prosecution in S.T.C.No.31 of 2015 before the learned Judicial Magistrate No.II, Chidambaram, against the accused for the offence under Section 138 of the Negotiable Instruments Act. The said prosecution was dismissed by the learned Magistrate by order dated 10.10.2015. Aggrieved by which, the complainant is before this Court.

4.In view of the recent judgment of the Full Bench of this Court in ***S.Ganapathy 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 Judge, Cuddalore, within a period of four weeks from the date of receipt of a copy of this order, after retaining the

photo copies of the papers on file.

5.The complainant and the accused shall appear before the Principal District and Sessions Judge, Cuddalore, on 7th November 2017, at 10.30 a.m.

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

06.10.2017

pri/nl

Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

1.The Principal District and Sessions Judge,
Cuddalore.

2.The Judicial Magistrate Court No.II,
Chidambaram.

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P.N.PRAKASH,J.

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