

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03-10-2017

CORAM

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

Criminal Appeal No.500 of 2016

Thangavel

Appellant

Vs

Selvamani

Respondent

Appeal filed under Section 378 of Criminal Procedure Code against the order of acquittal made under Sec.138 of Negotiable Instruments Act in S.T.C.No.62 of 2013 dated 04.01.2016 on the file of Fast Track Court, Attur.

For Appellant : Mr.K. Sathish Kumar

For respondent : Mr.L. Rajendran for
Mr.D. Lakshmanan

JUDGMENT

This appeal has been filed against the order of acquittal made in S.T.C.No.62 of 2013 dated 04.01.2016 on the file of Fast Track Court, Attur.

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

3. It is the case of the complainant that the accused had borrowed a sum of Rs.8,50,000/- and in discharge of the liability, he had issued a cheque dated 29.04.2013, which when presented by the complainant, was dishonoured. According to the complainant, he issued a statutory notice under Sec.138 of Negotiable Instruments Act and thereafter, launched the prosecution in STC No.62 of 2013 before the learned Judicial magistrate, Fast Track Court, Attur against the accused.

4. On behalf of the complainant, one witness was examined and eight documents were marked. On behalf of the accused, four witnesses were examined and seven documents were marked.

5. After considering the evidence adduced by both sides and citing the various judgments as precedents, the trial Court has not given a final conclusion in the judgment as to whether the accused was convicted or acquitted of the charge. This is, indeed baffling. Hence, this Court has no other alternative, but to set aside the judgment dated 04.01.2016 passed in STC No.62/2013 by the learned

Judicial Magistrate, Attur and remand the matter back to the said Court for fresh disposal in accordance with law.

6. In fine, the judgment dated 04.01.2016 in STC No.62 of 2013 is set aside and the matter is remanded to Judicial Magistrate, Fast Track Court, Attur to hear the arguments of both the parties afresh and pass judgment in accordance with law within one month from 20.11.2017. The complainant and the accused are directed to appear before the Judicial Magistrate, Fast Track Court, Attur, at 10.30 a.m. on 20.11.2017. With these directions, the criminal appeal is disposed of.

03-10-2017

sr

Non-speaking Order

Index:no

Note: (1) Registry is directed to send the records to the trial Court immediately.

(2) Issue today.

To

1. The Principal District Judge, Salem
2. The Judicial Magistrate, Fast Track Court, Attur.

WEB COPY

P.N. PRAKASH,J.

sr



Crl.A.No.500/2016

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