

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2017

CORAM :

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

Crl.A.No.68 of 2016

M.Mariadass

.. Appellant/Complainant

.. Vs ..

K.C.Sridharan

.. Respondent/Accused

Criminal Appeal filed under Section 378 of the Code of Criminal Procedure against the judgment dated 08.01.2016 passed by the learned Judicial Magistrate, Fast Track Court Magisterial Level, Thiruthuraipoondi in S.T.C.No.31 of 2015 and acquitting the accused/respondent.

For Appellant : Mr.K.M.Subramahmaniam

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JUDGMENT

For the sake of convenience, the appellant and the respondent will be referred to as the complainant and the accused.

2. The complainant initiated prosecution in S.T.C.No.31 of 2015 against the accused for the offence punishable under Section 138 of Negotiable Instruments Act, in which, the learned Judicial Magistrate, Fast Track Court, Magisterial Level, Thiruthuraipoondi, by order dated 08.01.2016, acquitted the accused. Aggrieved by the said order of acquittal, the complainant has preferred the present appeal.

3. Heard the learned counsel for the complainant.

4. It is seen that Special Leave has been granted by this Court in Crl.O.P.No.1637 of 2016 in Crl.A.Sr.No.2688 of 2016 on 27.01.2016. Notice has not been served on the accused in the Criminal Appeal. It is trite law that for grant of Special Leave under Section 378(4) Cr.P.C., it is not necessary for this Court to hear the accused, since the accused will have to be heard in the main appeal.

5. In view of the judgment of a Full Bench of this Court in ***S. Ganapathy vs N. Senthilvel [(2016) 3 MLJ (Crl) 641 (FB)]***, the Registry is directed to transmit all the papers relating to this case to

the learned Principal District and Sessions Judge, Thiruthuraipoondi within a period of four weeks from the date of receipt of a copy of this judgment, after taking photocopy of the papers on file.

6. The complainant is directed to appear before the learned Principal District and Sessions Judge, Thiruthuraipoondi on 14.12.2017 at 10.30 a.m.

With the above direction, this Criminal Appeal is disposed of.

14.11.2017

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Index : Yes/No

Internet : Yes

To

1. The Judicial Magistrate,
Fast Track Court, Magisterial Level,
Thiruthuraipoondi.

2. The Principal District and Sessions Judge,
Thiruthuraipoondi.

P.N. PRAKASH, J.

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