

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2017

CORAM :

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

Crl.A.No.252 of 2015

K.Ragupathy

.. Appellant/Complainant

... Vs ...

J.Naziera Begum

.. Respondent/Accused

Criminal Appeal filed under Section 378 of the Code of Criminal Procedure against the judgment dated 02.09.2014, passed by the learned Judicial Magistrate-III, Salem in C.C.No.38 of 2014 and acquitting the accused/respondent for the offences under Section 138 of N.I.Act.

For Appellant : Mr.K.Goviganesan

For Respondent : No Appearance
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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 C.C.No.38 of 2014 against the accused for the offence punishable under Section 138 of Negotiable Instruments Act, in which, the learned Judicial Magistrate-III, Salem, by order dated 02.09.2014, 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. Notice has been

4. It is seen that Special Leave has been granted by this Court in Crl.O.P.No.9698 of 2015 in Crl.A.Sr.No.52609 of 2015 on 21.04.2015. 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 (Cr1) 641 (FB)], the Registry is directed to transmit all the papers relating to this case to the learned Principal District and Sessions Judge, Salem, 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, Salem, on 22.12.2017 at 10.30 a.m.

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

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate-III,
Salem.

2.Do through The chief Judicial Magistrate Salem.

3.The Principal District and Sessions Judge,
Salem.

4.The Section Officer, सत्यमेव जयते
Criminal Section, High Court.

Cr1.A.No.252 of 2015

MG(CO)

RRK(20/12/2017)

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