

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2017

CORAM:

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

Crl.A.376 of 2015

R.Murugan ..Appellant/Complainant
Vs.
J.Kannan ..Respondent/Accused

Prayer:Criminal Appeal filed under Section 378 of the Code of Criminal Procedure Code, judgment passed on 25.03.2015 in S.T.C.No.1248/2012 on the file of the Judicial Magistrate No.III, Salem.

For Appellant : Mr.K.V.Sridharan

For Respondent : Mr.R.Gopinath

J U D G M E N T

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

2. The complainant initiated a prosecution in S.T.C.No.1248 of 2012 on the file of the Judicial Magistrate No-III, Salem under Section 138 of Negotiable Instruments Act, against the accused, in which, the accused was acquitted by the Judicial Magistrate No-III, Salem on 25.03.2015, challenging which, the complainant has filed this appeal against the acquittal.

3. This Court has granted special leave in Crl.O.P.No.14456 of 2015 in Crl.A.No.SR22367 of 2015 on 17.06.2015.

4. Notice has been served on the accused and M/s.R.Gopinath, counsel for the accused is entered appearance.

5. Heard the learned counsel for the complainant and the learned counsel for the accused.

6. In view of the judgment of the Full Bench of this Court in S.Ganapathy v. N.Senthilvel [(2016) 3 MLJ (Crl.) 641 (FB)], this Court has no jurisdiction to entertain the appeal

and therefore, the Registry is directed to transmit all the papers to the learned Principal District Judge, Salem within a period of four weeks from the date of receipt of a copy of this order, after retaining the photocopies of the papers on file.

7. The complainant and the accused are directed to appear before the learned Principal District Judge, Salem District, on 08.01.2018 at 10.30 a.m. and the learned Principal District Judge, Salem district is directed to expeditiously complete the appeal.

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

Sd/-
Assistant Registrar (CS-)

//True Copy//

Sub Assistant Registrar

mm/kmi

To

1. The Judicial Magistrate No-III,
Salem.
2. The Principal District Judge,
Salem.

Copy to

The Section officer,
Criminal Section,
High court, Madras. सत्यमेव जयते

+1cc to Mr.K.V.SRIDHARAN Advocate, S.R.No. 84946

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MR(CO)
TR(22/12/2017)

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