

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2017

CORAM :

THE HON'BLE MRS.JUSTICE R.HEMALATHA

Criminal Appeal No.246 of 2010

V.Ranganathan

... Appellant

/Vs/

Rani,
Proprietrix of Rani Films,
Pernambut resident of Old No.30/B,
Kallappadi Kendappan Street,
Kamatchiammanpet, Gudiyattam,
and also temporarily residing at
Rama Rao Street, T.Nagar,
Chennai - 17. ... Respondent

Prayer: Criminal Appeal filed under Section 378 of the Code of Criminal Procedure against the judgment dated 06.01.2010 passed by the learned Judicial Magistrate, Gudiyatham made in C.C.No.207 of 2004, acquitting the respondent herein from the offence under Section 138 of Negotiable Instruments Act.

For Appellant : Mr.A.Sasidharan
For Respondent : Mr.G.Vinodh Kumar

JUDGMENT

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

2. The complainant initiated prosecution in C.C.No.207 of 2004 before the learned Judicial Magistrate, Gudiyatham, for an offence under Section 138 of the Negotiable Instruments Act, 1881 against the accused, in which, the accused was acquitted by Judgment dated 06.01.2010 aggrieved by which, the complainant is before this Court.

3. In view of the Judgment of a Full Bench of this Court in S.Ganapathy v. N.Senthilvel [(2016) 3 MLJ (Cr1.) 641 (FB)], this Court has no jurisdiction to entertain this appeal and therefore, the Registry is directed to transmit all the papers

relating to this appeal to the learned Judicial Magistrate, Gudiyathem, within a period of four weeks from the date of receipt of a copy of this order, after retaining the photocopies of the same on file.

4. The complainant and the accused are directed to appear before the learned Judicial Magistrate, Gudiyathem, on 06.01.2010 at 10.30 a.m.

5. A perusal of the records shows that though notice has been issued to the accused, the accused has not received the same. Therefore, the learned Judicial Magistrate, Gudiyathem, is directed to issue notice to the accused, if he has not been served so far and does not turn up on 23.01.2018.

6. Since this case pertains to the year 2010, the learned Judicial Magistrate, Gudiyathem, directed to dispose of the matter as expeditiously as possible.

7. With the above directions, CrI.A.No.246 of 2010 is disposed of.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

msm

To

1. The Judicial Magistrate, Gudiyathem.
2. Chief Judicial Magistrate, vellore.
3. The Public Prosecutor, Madras High Court, Chennai.

Copy to

The Section Officer,
Criminal Section, High Court, Madras.

CrI. A. No.246 of 2010

TR(20/02/2018)