

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2017

CORAM :

THE HON'BLE MRS.JUSTICE R.HEMALATHA

Crl. A. No. 589 of 2007

B. Subramaniam

..

Appellant

/Vs/

K. Vijaya

..

Respondent

Criminal Appeal filed under Section 378 of the Code of Criminal Procedure to set aside the order of acquittal of the respondent/accused dated 22.06.2007 in C.C.No.2450 of 2004 before the learned XV Metropolitan Magistrate, George Town, Chennai.

For Appellant : Mr.M.Vijaya Kumar

For Respondent : No appearance.

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.2450 of 2004

before the learned XV Metropolitan Magistrate, George Town, Chennai

for an offence under Section 138 of the Negotiable Instruments Act, 1881 against the accused, in which, the accused was acquitted by Judgment dated 22.06.2007 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 (Cri.) 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 Principal Sessions Judge, Chennai, within a period of seven 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 Principal Sessions Judge, Chennai, on 25.01.2018 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 Principal Sessions Judge, Chennai is directed to issue notice to the accused, if he has not been served so far and does not turn up on 25.01.2018.

6. Since this case of the year 2004, the learned Principal Sessions Judge, Chennai is directed to dispose of the matter as expeditiously as possible.

7. With the above directions, CrI.A.No.589 of 2007 is disposed of.

07.12.2017

Speaking/Non speaking order

Index : Yes/No

Internet : Yes/No

ksa

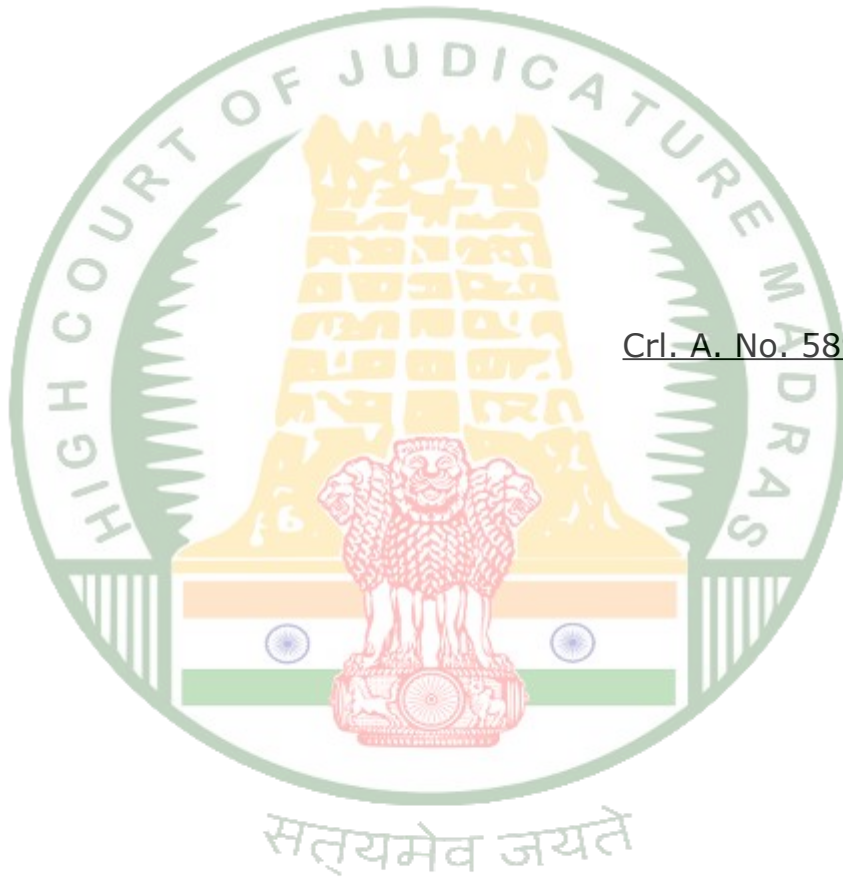
To

1. The XV Metropolitan Magistrate, George Town, Chennai.
2. The Principal Sessions Judge, Chennai.
3. The Public Prosecutor, Madras High Court, Chennai.

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R. HEMALATHA, J.

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