

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2017

CORAM :

THE HON'BLE MRS.JUSTICE R.HEMALATHA

Crl. A. No. 1021 of 2004

M/s.Adarsh Techno Cham .. Appellant

/Vs/

1. M/s.Detani Boxes (Chennai) Pvt. Ltd.
2. Mr.Sanjay Reddy .. Respondents

Criminal Appeal filed under Section 378 of the Code of Criminal Procedure to set aside the order of acquittal of the respondent/accused dated 27.02.2004 in C.C.No.21 of 2003 before the learned IX Metropolitan Magistrate, Saidapet, Chennai.

For Appellant : M/s.N.Sreenivasalu
For Respondents : No appearance.

JUDGMENT

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

2. The complainant initiated prosecution in C.C.No.21 of 2003 before the learned IX Metropolitan Magistrate, Saidapet, 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 27.02.2004 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 five 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 09.01.2018 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 09.01.2018.

6. Since this case of the year 2003, 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.1021 of 2004 is disposed of.

05.12.2017

Speaking/Non speaking order

Index : Yes/No

Internet : Yes/No

ksa

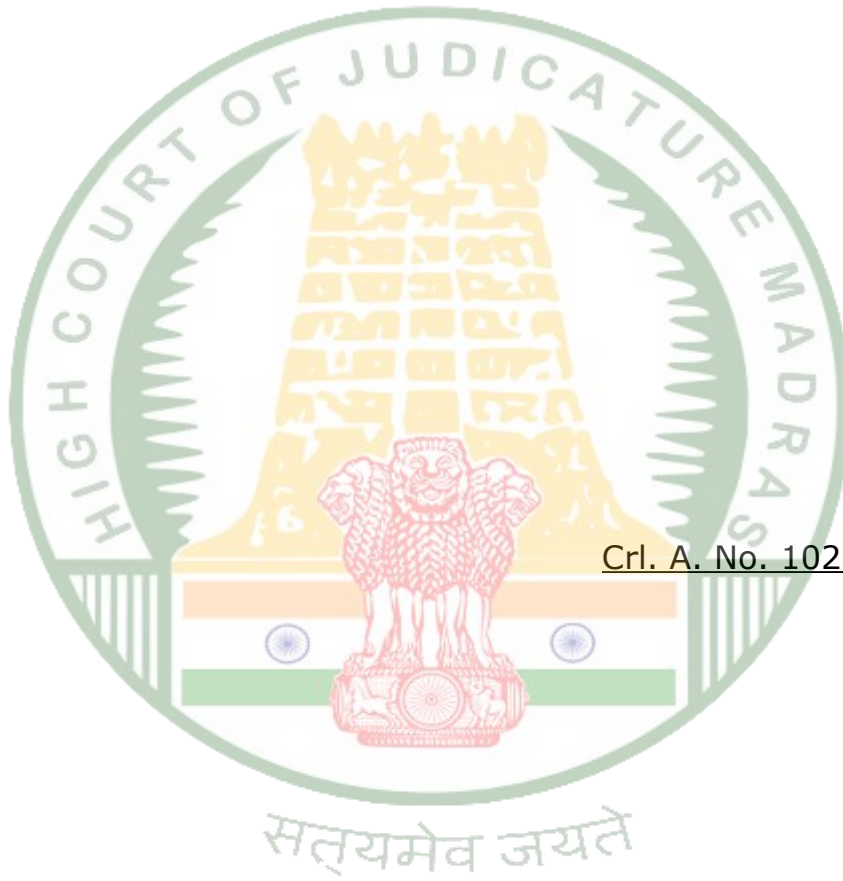
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To

1. The IX Metropolitan Magistrate, Saidapet, Chennai.
2. The Principal Sessions Judge, Chennai.
3. The Public Prosecutor, Madras High Court, Chennai.

R. HEMALATHA, J.

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