

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.10.2017

CORAM:

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

Cr1.A.510 of 2016

Leo Charles

..Appellant/Complainant

Vs.

M.Vijayakumar

..Respondent/Accused

Criminal Appeal filed under Section 378 (4) of the Code of Criminal Procedure to set aside the order of acquittal of the respondent/accused in C.C.No.384 of 2011 on the file of the Judicial Magistrate II, Salem.

For Appellant : Mr.V.K.Sathiamurthy

For Respondent : Mr.M.Saravana Kumar

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 C.C.No.384 of 2011 before the Judicial Magistrate No.II, Salem for an offence under Section 211 IPC against the accused, in which, the accused was acquitted by judgment dated 04.05.2016, aggrieved by which, the complainant is before this Court.

3. In view of the judgment of the Full Bench of this Court in S.Ganapathy v. N.Senthilvel [(2016) 3 MLJ (Cr1.) 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 and Sessions 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.

4. The complainant and the accused are directed to appear before the learned Principal District and Sessions Judge, Salem, on 20.11.2017 at 10.30 a.m.

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

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

gms

To

1. The Judicial Magistrate II,
Salem.
2. The Principal District and Sessions
Judge, Salem.

Copy to

THE SECTION OFFICER,
CRIMINAL SECTION, HIGH COURT,
CHENNAI. (FOR COMPLIANCE)

+1 CC to Mr.C.RAJAN, Advocate Sr.No.72323

+1 CC to Mr.M.Saravana Kumar, Advocate Sr.No.72482

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MR(CO)
KP(28.10.2017)