

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.10.2017

CORAM:

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

Crl.A.809 of 2016

P.Subramaniam

..Appellant

Vs.

S.Radhakrishnan

..Respondent

Criminal Appeal filed under Section 378 of the Code of Criminal Procedure against the judgment dated 04.07.2016 passed in STC No.45 of 2012 on the file of the Judicial Magistrate, Fast Track Court No.I, Erode allowing the appeal and order to restore the said complaint filed by the appellant and acquitting the accused.

For Appellant : Mr.I.C.Vasudevan

For Respondent : Mr.K.Shanmugam
Legal Aid Counsel

J U D G M E N T

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

2. The complainant initiated a prosecution in S.T.C.No.45 of 2012 against the accused for an offence under Section 148 of the Negotiable Instruments Act, in which, the Judicial Magistrate, Fast Track Court No.I, Erode acquitted the accused, aggrieved by which, the complainant has filed the present appeal.

3. Notice was served on the accused in Crl.A.No.809 of 2016 through the Judicial Magistrate, Fast Track Court No.I, Erode, in spite of which the accused did not appear before this Court. Therefore, this Court appointed Mr.K.Shanmugam, counsel through Legal Services Authority for defending the accused.

4. In view of a Full Bench judgment of this Court in S.Ganapathy v. N.Senthilvel [(2016) 3 MLJ (Crl.) 641 (FB)], Registry is directed to transmit all the papers to the learned Principal District and Sessions Judge, Erode, 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.

5. The complainant is directed to appear before the learned Principal District and Sessions Judge, Erode, on 20.11.2017 at 10.30 a.m. Since notice was already served on the accused, it may not be necessary to send fresh notice to the accused and the Sessions Court may appoint a counsel nominated by the Legal Services Authority and proceed with the case. However, the Sessions Court may intimate this fact to Mr.A.P.C.Krishnamurthy, B.Com. B.L., Advocate, Erode, who had appeared for the accused in the trial Court, so that an opportunity can be given to the accused to present his case by engaging a counsel of his choice before the Sessions Court.

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

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

gms

To

- 1.The Judicial Magistrate,
Fast Track Court No.I, Erode
2. The Principal District and Sessions Judge,
Erode.
- 3.The Section Officer,
Criminal Section, High Court,
Madras.

+1cc to Mr.K.Shanmugam,Legal Aid Advocate, S.R.No.73081

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Cr1.A.No.809 of 2016

SSI (CO)
GN(08/11/2017)