

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.11.2017

CORAM

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

CrI.O.P.No.15924 of 2016

in

CrI.A.No.SR.56206 of 2016

M/s.Sri Sujies Benefit Funds Ltd.,
Rep. by its Managing Director S.Boopathy
SB Towers 262-A, Pollachi Main Road,
Sundarapuram,
Coimbatore - 24 ...Petitioner

P.Selvaraj Vs ...Respondent

Petition filed under Section 378 (4) of Criminal Procedure Code to grant Special leave to appeal sought to be preferred against the Judgment of the learned Judicial Magistrate, Fast Track Court at Magisterial Level-II, Coimbatore made in C.C.No.445 of 2011 dated 30.10.2015.

For Petitioner :Mr.R.Tholgappian

O R D E R

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

2. The complainant has initiated a prosecution in C.C.No.445 of 2011 (Old C.C.No.183/01, JM-7, Coimbatore) against the accused for the offence under Section 138 of Negotiable Instrument Act, in which, the learned Judicial Magistrate, Fast Track Court at Magisterial Level-II, Coimbatore, had acquitted the accused by judgment on 30.10.2015, challenging which, the complainant has preferred the present appeal against the order of acquittal.

3. Heard the learned counsel for the complainant.

4. On a perusal of the records, it is seen that Court notice has not been served on the accused.

5. In view of the judgment of a Full Bench of this Court in S. Ganapathy vs N. Senthilvel [(2016) 3 MLJ (CrI) 641 (FB)], the Registry is directed to send the records relating to this case to the Court of the Principal District and Sessions

Judge, Coimbatore, after taking a photocopy of the records, within a period of four weeks from the date of receipt of a copy of this order.

6. The complainant is directed to appear before the learned Principal District and Sessions Judge, Coimbatore on 18.12.2017 at 10.30 a.m.

7. With the above directions, the Criminal Original Petition is disposed of. Consequently, Criminal Appeal SR No.56206 of 2016 is closed.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

To

1. The Principal District and Sessions Judge,
Coimbatore.
2. The Judicial Magistrate,
Fast Track Court at Magisterial Level-II,
Coimbatore.

Copy to: The Section Officer, Criminal Section,
High Court, Chennai,
(to carry out the direction as indicated above)

+ 1 cc to Mr. R. Tholgappian, Advocate SR.79817

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RK(CO)
EU(27/11/2017)

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