

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.11.2017

CORAM

THE HONOURABLE MR. JUSTICE **P.N. PRAKASH**

Crl.O.P.No.16547 of 2016

in

Crl.A.No.SR.5926 of 2016

V.N.Mohan

..... Petitioner

Vs

T.K.Shine Kumar

.... Respondent

Petition filed under Section 378 (4) of Criminal Procedure Code against the Judgment of the learned Judicial Magistrate, Fast Track Court at Magisterial Level-II, Coimbatore made in C.C.No.225 of 2014 dated 05.11.2015.

For Petitioner : Mr.A.Jayaseelan

ORDER

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

सत्यमेव जयते

2. The complainant has initiated a prosecution in C.C.No.225 of 2014 (Old C.C.No.138/14, JM-6, 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 05.11.2015, challenging which, the complainant has preferred the present appeal against the order of acquittal with a delay of 21 days.

3. Heard the learned counsel for the complainant.

4. This Court, in CrI.M.P.No.2080 of 2016 in CrI.A.SR.No.5926 of 2016, issued notice to the respondent/accused. Though notice was served on the respondent/accused, he did not appear before this Court. The name of the accused was printed in the cause list. This Court condoned the delay of 21 days by order dated 26.07.2016.

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.

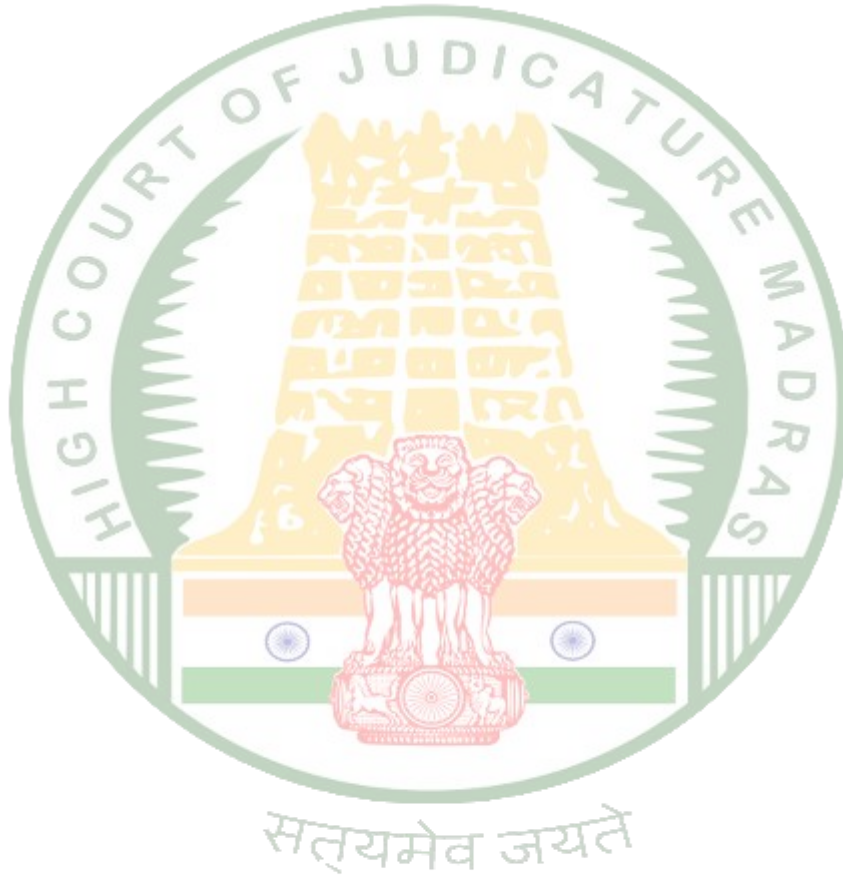
7. With the above directions, the Criminal Original Petition is disposed of. Consequently, Criminal Appeal SR No.5926 of 2016 is closed.

13-11-2017

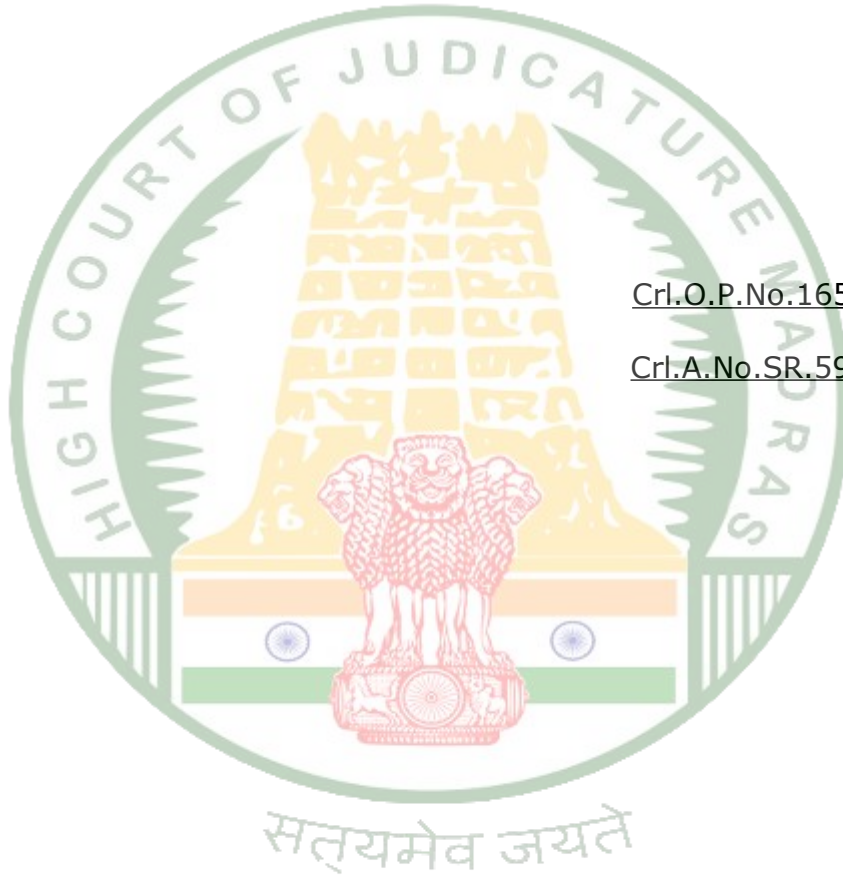
Speaking/Non-Speaking Order

Index:yes/no

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



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