

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :06.12.2017

CORAM

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

Crl.A.Nos. 694 and 700 of 2006

B.Saravanan

... Appellant
(in both the Crl.Appeals)

Vs.

R.Ponmudi

... Respondent
(in both the Crl.Appeals)

Criminal Appeals filed under Section 378 of the Code of Criminal Procedure to set aside the orders of acquittal of the respondent / accused dated 06.01.2006 in C.C.Nos.667 & 666 of 2005, before the learned Judicial Magistrate No.V, Salem, respectively.

For Appellant : Mr.R.Nalliyappan
(in both the Crl.Appeals)

For Respondent : No appearance
(in both the Crl.Appeals)

COMMON JUDGEMENT

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

2. The complainant initiated prosecutions in C.C.Nos. 667 & 666 of 2005, before the learned Judicial Magistrate No.V, Salem, for the alleged offences punishable under Section 138 of Negotiable Act, against the accused, in which, the accused was acquitted by judgments dated 06.01.2006 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 Vs. N.Senthilvel [(2016) 3 MLJ (Crl.) 641 (FB)]***, this Court has no jurisdiction to entertain these appeals and therefore, the Registry is directed to transmit all the papers relating to these appeals 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 same on file.

4. The complainant and the accused are directed to appear before the learned Principal District and Sessions Judge, Salem, on 25.01.2018 at 10.30 a.m.

5. Since, the complaints are of the year 2005, the learned Principal District and Sessions Judge, Salem, is directed to dispose of the Criminal Appeals as early as possible.

6. With the above observation, the present Criminal Appeals stand disposed of.

06.12.2017

Speaking/Non speaking order
Index : Yes/No
Internet: Yes/No
ms

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R. HEMALATHA.J.,

ms

To

1. The Judicial Magistrate No.V,
Salem.
2. The Principal District and Sessions Judge,
Salem.



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