

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2017

CORAM:

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

Crl.A.681 of 2013

Chandrabose

..Appellant

Vs.

Subhashini

..Respondent

Criminal Appeal filed under Section 378 of the Code of Criminal Procedure to set aside the order dated 19.08.2013 passed in C.C.No.14 of 2012 on the file of Fast Track Court, Magisterial Level No.II, Poonamallee, Tiruvellure District.

For Appellant : Mr.R.Venkata Varathan

For Respondent : Mr.V.Devendhiran

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.14 of 2012 under Section 138 of Negotiable Instruments Act, against the accused, in which, the accused was acquitted by the Fast Track Court, Magisterial Level No.II, Poonamallee, Tiruvellure District on 19.08.2013, aggrieved by which, the complainant has filed the present appeal against acquittal.

3. This Court has granted special leave in Crl.O.P.No.25560 of 2013 in Crl.A.No.SR44581 of 2013 on 04.10.2013 and only thereafter, the Criminal Appeal has numbered as Crl.A.No.681 of 2013.

4. Notice has been served on the accused and M/s.Devendran and S.Muthu Patta Raja have entered appearance.

5. Heard the learned counsel for the complainant and the learned counsel for the accused.

6. 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, Tiruvellure, 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.

7. The complainant and the accused are directed to appear before the learned Principal District and Sessions Judge, Tiruvellure District, on 22.12.2017 at 10.30 a.m. and the learned Principal District and Sessions Judge, Tiruvellure, is directed to expeditiously complete the appeal.

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

s/d-
Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

7

kmi

To

1.The Judicial Magistrate
Magisterial Level No.II,
Fast Track Court,
Poonamallee, Tiruvellure District.

2.The Principal District and Sessions Judge,
Tiruvellure.

Copy to

The Section Officer
Criminal Section, High court, Madras.

Cr1.A.No.681 of 2013

SP(08/12/2017)