

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.11.2017

CORAM

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

Crl.M.P.Nos.2357 & 2358 of 2017
in Crl.A.Nos.SR.7036 & 7033 of 2017

R.Sreedharan Petitioner in both petitions/
APPELLANT IN Crl.A.Nos.SR.7036 &
7033 of 2017

Vs

V.Azeez Basha Respondent in both petitions/
RESPONDENT IN Crl.A.Nos.SR.7036 &
7033 of 2017

Petition filed under Section 5 of Limitation Act to condone the delay of 37 days in filing the above appeals against the judgment dated 07.11.2016 passed in C.C.Nos.255 and 256 of 2007 of the learned Additional District Munsif cum Judicial Magistrate, Ambur, Vellore District.

For Petitioner : Mr.M.Devaraj

For Respondent : Notice Served Service Awaited

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 two prosecutions in C.C.Nos.255 & 256 of 2007 against the accused for the offence under Section 138 of Negotiable Instrument Act, in which, the learned District Munsif-cum-Judicial Magistrate, Ambur, Vellore District, acquitted the accused by judgment on 07.11.2016, aggrieved by which, the complainant has preferred two appeals against the order of acquittal with a delay of 37 days.

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 (Crl) 641 (FB)], the Registry is directed to send the records relating to this case to the Court of the Principal District and Sessions Judge, Vellore, 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, Vellore on 18.12.2017 at 10.30 a.m.

7. With the above directions, the Criminal Original Petitions are disposed of. Consequently, Criminal Appeal SR Nos.7036 & 7033 of 2017 are closed.

Sd/-
Assistant Registrar (CS-)

//True Copy//

Sub Assistant Registrar

To

1. The Additional District Munsif cum Judicial Magistrate, Ambur, Vellore District.
2. The Principal District & Sessions Judge, Vellore.

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in

Crl.A.Nos.SR.7036 & 7033 of 2017

SR(CO)
TR(06/12/2017)

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