

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2017

CORAM:

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

Crl.O.P. No.24867 of 2017
in
Crl.A.SR.No.47049 of 2016

M.Senthilkumar .. Petitioner

Vs.

V.M.Vajravelu .. Respondent

Criminal Original Petition filed under Section 378 (4) of the Code of Criminal Procedure to grant special leave to the petitioner by permitting him to prosecute the above criminal appeal before this Court against the order of acquittal dated 01.07.2016 in S.T.C.No.287 of 2014 on the file of the Judicial Magistrate (FTC) No.1, Erode.

For Petitioner : Mr.A.Thiyagarajan
For Respondent : Ms.Sapnam For T.Naveen

O R D E R

For the sake of convenience, the parties will be referred to as complainant and accused.

2. The complainant initiated a prosecution in S.T.C.No.287 of 2014 under Section 138 of the Negotiable Instruments Act against the accused, in which the learned Judicial Magistrate, (Fast Track No.I), Erode, acquitted the accused by order dated 01.07.2016, challenging which the complainant filed the present appeal against the acquittal with a delay of 34 days.

3.This Court, by order dated 22.12.2016, in Crl.M.P.No.12203 of 2016, in Crl.A.SR.No.47049 of 2016, condoned the delay of 34 days after hearing the counsel for the complainant and the counsel for the accused on payment of Rs.500/- as costs to the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras.

4.The complainant made payment on 02.01.2017 and accordingly

condone delay petition stood completely allowed. Therefore, the Registry has now numbered the special leave application.

5.Ms.Sapnam, Advocate takes notice on behalf of Mr.T.M.Naveen for the accused, in the special leave application.

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

7.The complainant is directed to appear before the learned Principal District Judge, Erode on 22.12.2017 at 10.30 a.m.

8. With the above directions, the Criminal Original Petition is disposed of. Consequently, Criminal Appeal SR No.47049 of 2016 is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

gpa

To

1. The Principal District Judge
Erode
2. The Judicial Magistrate (FTC) No.1
Erode
3. The Public Prosecutor,
High Court, Madras - 600 104.
4. The Section Officer, Criminal Section, High Court Madras.

+1cc to Mr.T.M.Naveen, Advocate, S.R.No.82418

+1cc to Mr.A.Thiyagarajan, Advocate, S.R.No.82077

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NRI (CO)

RRK(11/12/2017)