

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2017

CORAM :

THE HON'BLE MRS.JUSTICE R.HEMALATHA

Crl. A. No. 649 of 2004

Messrs Ranjitha Fabrics

.. Appellant

/Vs/

1. M/s. Kayes Fashions Private Limited
rep. By its Director A.R.K.Shanmugam

2. A.R.K. Shanmugham, Director

3. S.Rajamanickam, Director

4. S.Chandra Mohan, Director

5. M.R.Bharadwaj

.. Respondents

Criminal Appeal filed under Section 378 of the Code of Criminal Procedure to set aside the order of acquittal of the respondent/accused dated 24.11.2003 in C.C.Nos.555 of 2000 before the Judicial Magistrate No.I, Coimbatore.

For Appellant : M/s.C.R. Prasanan

For Respondents : No appearance.

JUDGMENT

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

2. The complainant initiated prosecution in C.C.No.555 of 2000 before the learned Judicial Magistrate No.I, Coimbatore for an offence under Section 138 of the Negotiable Instruments Act, 1881 against the accused, in which, the accused was acquitted by Judgment dated 24.11.2003 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 v. N.Senthilvel [(2016) 3 MLJ (Cri.) 641 (FB)]**, this Court has no jurisdiction to entertain this appeal and therefore, the Registry is directed to transmit all the papers relating to this appeal to the learned Principal District Judge, Coimbatore, 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 Judge, Coimbatore, on 05.01.2018 at 10.30 a.m.

5. A perusal of the records shows that though notice has been issued to the accused, the accused has not received the same. Therefore, the learned Principal District Judge, Coimbatore is directed to issue notice to the accused, if he has not been served so far and does not turn up on 05.01.2018.

6. Since this case pertains to the year 2000, the learned Principal District Judge, Coimbatore is directed to dispose of the matter as expeditiously as possible.

7. With the above directions, Crl.A.No.649 of 2004 is disposed of.

05.12.2017

Speaking/Non speaking order

Index : Yes/No

Internet : Yes/No

ksa

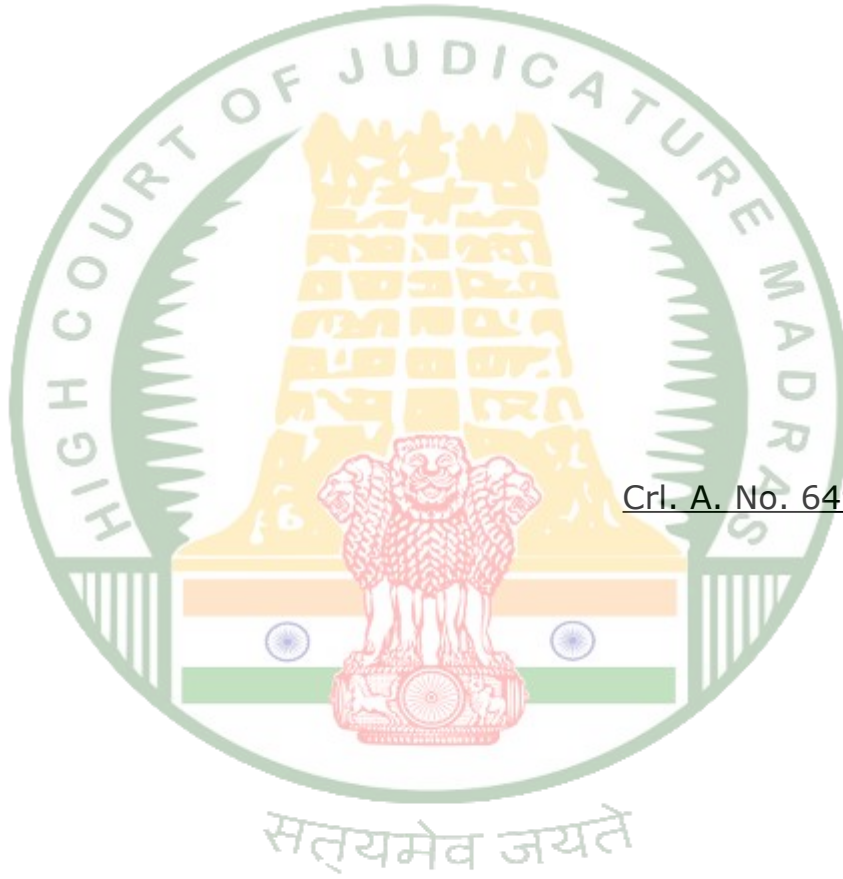
To

1. Judicial Magistrate No.I, Coimbatore.
2. The Principal District Judge, Coimbatore.
3. The Public Prosecutor, Madras High Court, Chennai.

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R. HEMALATHA, J.

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