

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2017

CORAM:

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

CrI.O.P.No.19848 of 2016

in

CrI.A.SR.No.37661 of 2016

Y.Krishnaveni

..Petitioner / complainant

Vs.

1.M/s. I-Way Net Tech

Represented by its Managing Partner

Rajesh Anandan

2.Rajesh Anandan

..Respondents / Accused 1& 2

Criminal Original Petition filed under Section 378(4) of Cr.P.C. to grant leave to the petitioner to file the above appeal before this Court against the orders of the learned Fast Track No.III, Metropolitan Magistrate Court, Saidapet, Chennai in C.C.No.2874 of 2015 dated 21.06.2016.

For Petitioner : Mr.K.R.Rameshkumar

ORDER

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 a prosecution in C.C.No.2874 of 2015 under Section 138 of the Negotiable Instruments Act, in which the learned Fast Track No.III, Metropolitan Magistrate Court, Saidapet, Chennai, had acquitted the accused on 21.06.2016, on the ground that the complainant was absent. Aggrieved by which, the complainant is before this Court with the Special Leave Petition.

3. Heard the learned counsel appearing for the complainant.

4. On a perusal of the records, it is seen that 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 (CrI) 641 (FB)], this Court has no jurisdiction to entertain this appeal and therefore, the Registry is directed to transmit all the papers to the Principal District Judge, City Civil Court, Chennai, within a period of four weeks from the date of receipt of a copy

of this order, after retaining the photo copies of the papers on file.

6. The complainant is directed appear before the learned Principal Judge, City Civil Court, Chennai, on 18.12.2017 at 10.30 a.m.

With the above directions, the Criminal Original Petition is disposed of. Consequently, Criminal Appeal SR.No.37661 of 2016 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Principal Judge, City Civil Court, Chennai.
- 2.The Fast Track Court-III, Metropolitan Magistrate, Saidapet, Chennai.
- 3.The Chief Metropolitan Magistrate, Egmore, Chennai
- 4.The Public Prosecutor, High Court, Madras.

+1cc to Mr.K.R.Ramesh Kumar, Advocate, S.R.No.80765

सत्यमेव जयते

Cr1.O.P.No.19848 of 2016
and Cr1.A.SR.No.37661 of 2016

RV (CO)

RRK (11/12/2017)

WEB COPY