

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.11.2017

CORAM

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

Crl.O.P.No.22541 of 2016
in Crl.A.No.SR.42667 of 2017

M.Thirumal

.. Petitioner/Appellant

Vs

S.Viswanathan

.. Respondent/Respondent

Petition filed under Section 378 (4) of Criminal Procedure Code against the Judgment of the Judicial Magistrate No.I, Thiruppathur, Vellore District made in S.T.C.No.1068 of 2014 dated 21.04.2016.

For Appellant : Mr.E.Kannadasan
For Respondent : No Apperance

O R D E R

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

2. The complainant initiated a prosecution in S.T.C.No.1068 of 2014 against the accused for the offence under Section 138 of the Negotiable Instruments Act. Subsequently, the case was transferred to the learned Judicial Magistrate No.I, Thiruppathur, Vellore District and was taken on file in STC No.1068/2014. The learned Judicial Magistrate No.I, Thiruppathur, Vellore District by order dated 21.04.2016, in S.T.C.No.1068 of 2014 acquitted the accused, aggrieved by which, the complainant has preferred the present appeal against the order of acquittal.

3. Heard the learned counsel for the petitioner. Notice has not been served on the accused.

4. In view of the judgment of 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 to the Court of Principal District and Sessions Judge, Vellore, after taking photocopy of the file, within a period of three weeks from the

date of receipt of a copy of this order.

5. The complainant is directed to appear before the learned Principal District and Sessions Judge, Vellore on 04.12.2017 at 10.30 a.m.

6. With the above direction, the criminal original petition is disposed of. Consequently, Criminal Appeal SR No.42667 of 2016 is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1. The Principal District and Sessions Judge, Vellore.
2. The Judicial Magistrate No.I, Thiruppathur, Vellore District.
3. do Through The Chief Judicial Magistrate, Vellore.
4. The Section Officer, Criminal Section, High Court Madras.

Crl.O.P.No.22541 of 2016 in Crl.A.No.SR.42667 of 2016
RJ(CO)

RRK(05/12/2017)

सत्यमेव जयते
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