

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.10.2017

CORAM

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

Crl.O.P.No.26288 of 2016
in Crl.A.No.SR.5959 of 2016

S.Balamurugan

..... Petitioner/Complainant

Vs

1.Sri Bagavan Firm,
Rep. by its Managing Partner,
C.Vijai Kannan,
No.34, Santha Vellore Village,
Sunguvarchathiram,
Sri Perumbudur Taluk,
Kancheepuram Disitriect.

2.C.Vijay Kannan

..... Respondents/Accused

Petition filed under Section 378 (4) of Criminal Procedure Code to grant special leave and permit the Petitioner to prosecute the appeal filed against the Judgment of the Judicial Magistrate (Fast Track Court at Magisterial Level - II), Poonamallee, Thiruvallur District made in C.C.No.83 of 2012 dated 26.11.2015.

For Petitioner : Mr.C.Subramanian

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 C.C.No.83 of 2012 against the accused for the offence under Section 138 of the Negotiable Instruments Act, in which, the Judicial Magistrate (Fast Track Court at Magisterial Level - II), Poonamallee, Thiruvallur District acquitted the accused by judgment dated 26.11.2015, aggrieved by which, the complainant has preferred the present appeal against the order of acquittal.

3. Heard the learned counsel for the petitioner.

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, Thiruvallur, after taking photocopy of the file, within a period of four 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, Thiruvallur on 20.11.2017 at 10.30 a.m.

6. With the above direction, the criminal original petition is disposed of. Consequently, Criminal Appeal SR No.5959 of 2017 is closed.

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11.10.2017

This matter having been listed under the caption "for being spoken to" on 22.11.2017 pursuant to the order of this court dated 11.10.2017 and made herein the presence of the aforesaid counsel for petitioner, the court made the following order:

This matter is posted today under the caption" For being spoken to".

2. It is brought to my notice that due to inadvertance, the copy of the order has not yet been sent to the trial Court.

3. Under such circumstances, the complainant is directed to appear before the trial court on 05.01.2017 at 10.30 A.M.

s/d-
Assistant Registrar (CO)

True Copy

Sub-Assistant Registrar

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To

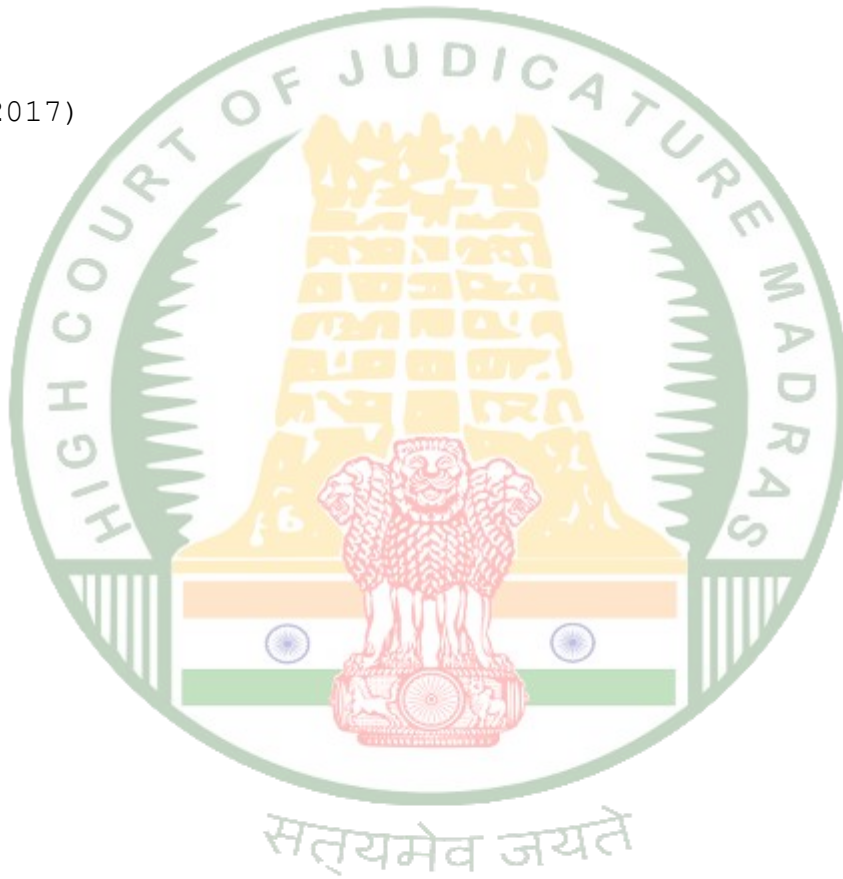
1. The Principal District and Sessions Judge, Thiruvallur
2. Judicial Magistrate
(Fast Track Court at Magisterial Level - II),
Poonamallee, Thiruvallur.

3. The Section Officer
Criminal Section, High Court, Madras.

(For direction) to send the records of the court of Principal
District and Sessions Judge, Tiruvallur.

CrI.O.P.No.26288 of 2016
in CrI.A.No.SR.5959 of 2016

SP (22/11/2017)



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