

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 12.10.2017

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

**CRL. APPEAL NO. 414 OF 2017
CRL. M.P. NOS. 8952 & 11941 OF 2017
CRL. O.P. NO. 14406 OF 2017**

R.Karuppusamy

.. Appellant

- Vs -

N.Jothivel

.. Respondent

Criminal Appeal filed to set aside the order dated 16.03.2017 passed in C.C. No.357 of 2014 by the Judicial Magistrate, Fast Track Court No.I, Coimbatore.

For Appellant : Mr. M.Samuel Raja

ORDER

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

2. The complainant initiated a prosecution in C.C.No.357/2014 (Old C.C. No.159/14) against the accused for an offence under Section 138 of the Negotiable Instruments Act in which the learned Judicial Magistrate, Fast Track Court NO.I, Coimbatore (Magisterial Level) acquitted the accused on

16.3.2017 aggrieved by which, the complainant filed the present appeal against acquittal before this Court.

3. The appeal against the acquittal was numbered as C.A. No.414/2017 even without an application for special leave. This was noticed by this Court and when it was brought to the notice of the counsel, a special leave application in Crl. O.P. No.14406/17 was filed by the complainant. When the special leave application came up for hearing on 21.8.17, this Court noticed that the special leave application is barred by limitation and, therefore, the petitioner has filed Crl. M.P. No.11941/17 for condonation of delay of 44 days in filing the special leave petition. However, no notice has been served on the accused in this case.

4. However, in view of the Full Bench decision of this this Court in ***S.Ganapathy - Vs - N.Senthilvel ((2016) 3 MLJ (Crl.) 641 (FB))***, the present appeal against acquittal will not lie before this Court, but only before the Sessions Court, Coimbatore.

5. In view of the above Full Bench judgment of this Court, Registry is directed to transmit all the papers to the learned Principal District and Sessions 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 papers

on file.

6. The complainant is directed to appear before the learned Principal District and Sessions Judge, Coimbatore, on 22.11.2017 at 10.30 a.m.

7. With the above direction, this criminal appeal is disposed of. Consequently, connected miscellaneous petitions and criminal original petition are closed.

12.10.2017

Index : Yes/No

Internet : Yes/No

GLN

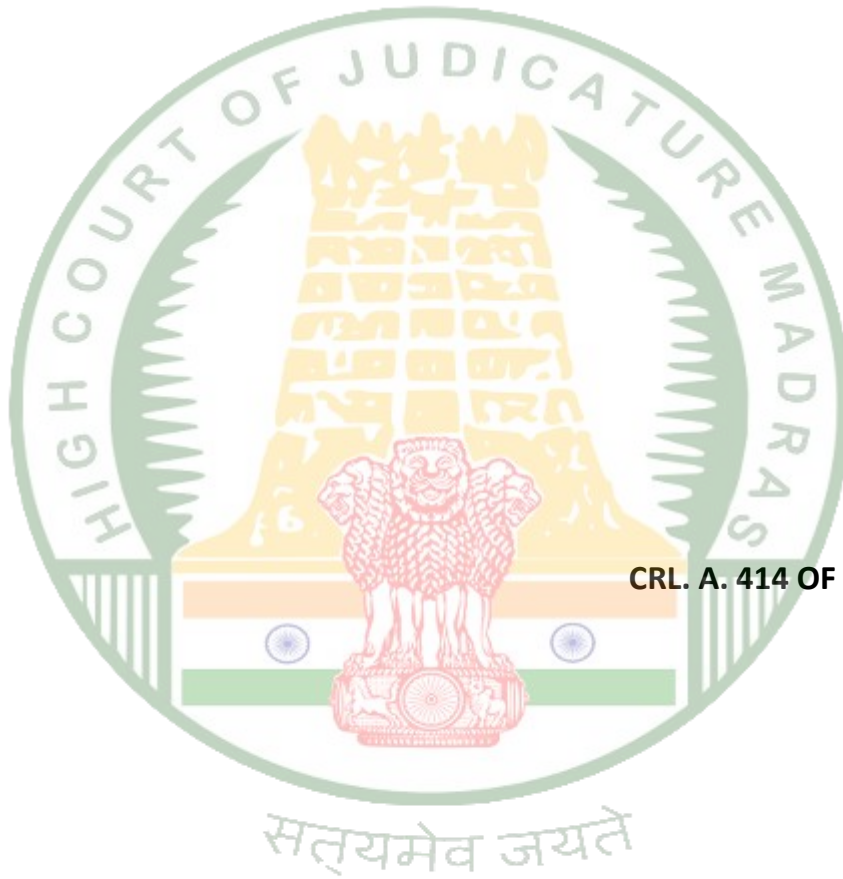
To

The Principal District & Sessions Judge
Coimbatore.

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P.N.PRAKASH, J.

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