

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED :07.02.2019****CORAM:****THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN****CRIMINAL APPEAL NO.322 of 2011**

J.Sivaji

.. Appellant

/versus/

S.Krishnamoorthy

.. Respondent

Criminal Appeal has been filed under Section 378(4) of the Cr.PC., praying to set aside the order of acquittal passed by the Judicial Magistrate No.V, Vellore in C.C.No.95 of 2002 dated 19.11.2010 on the file of the Judicial Magistrate No.V, Vellore, Vellore District and convict the respondent.

For Appellant :Mr.V.Madhavan

For Respondent :Mr.S.Ramesh

JUDGMENT

This appeal is preferred under Section 378(4) of Cr.P.C., instead of Section 372 of Cr.P.C. against the order of acquittal rendered by the Judicial Magistrate No.V, Vellore in C.C.No.95 of 2002 dated 19.11.2010 for the offence under Section 138 of the Negotiable Instruments Act.

2. In view of the amendment made under Section 372 of the Criminal Procedure Code and in the light of the judgment of this Court rendered in **Crl.A.(MD) Nos.130 of 2010 etc., batch dated 14.11.2016**, this Criminal Appeal is transferred to the learned Principal District and Sessions Judge, Vellore.

3. The Registry is directed to transmit all the papers relating to this Criminal Appeal to the learned Principal District and Sessions Judge, Vellore. On receipt of the records, the learned Principal District and Sessions Judge, Vellore, shall take the case on file and dispose of the same, on merits and in accordance with law, after due notice to the parties. Both the parties are directed to appear before the aforesaid Court, on receipt of the summons.

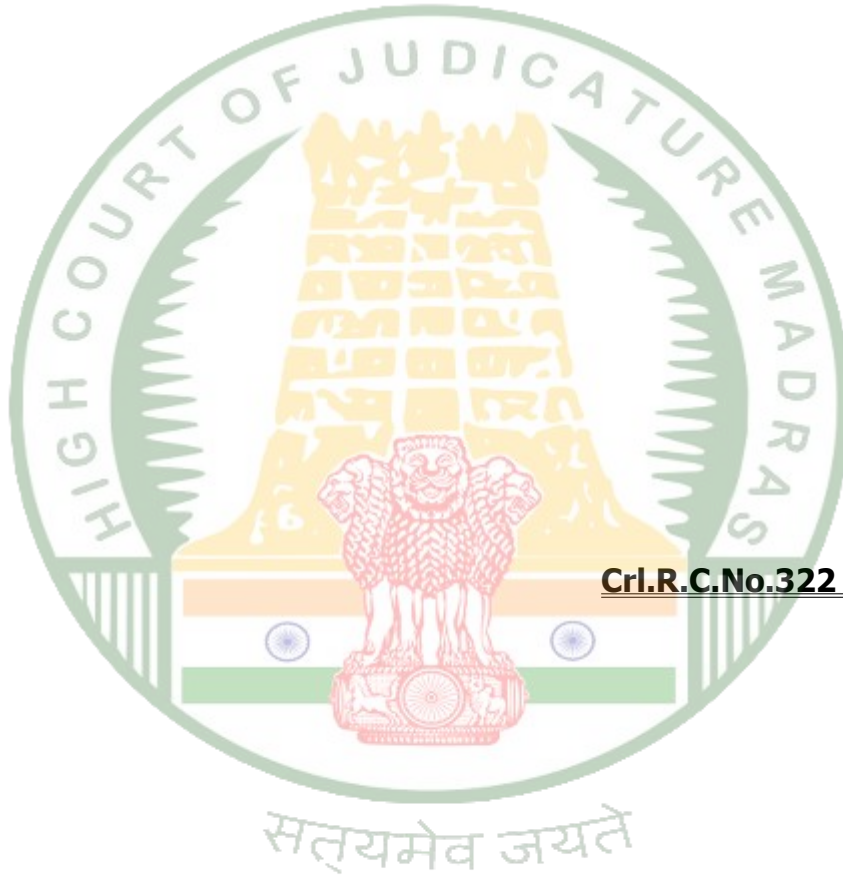
4. With the above observation, the Criminal Appeal is disposed of.

07.02.2019

ari
To

1. The Principal District and Sessions Judge, Vellore.
2. The Judicial Magistrate No.V, Vellore.
3. The Public Prosecutor, High Court, Madras.

Dr.G.Jayachandran,J.



Crl.R.C.No.322 of 2011

WEB COPY

07.02.2019