



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.10.2019

CORAM

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

CRL.A (MD) No.373 of 2013

WEB COPY

K.S.Sivakumar : Appellant/Respondent/Complainant

Vs.

M.L.Balanarasimman : Respondent/Appellant/Accused

PRAYER : Criminal Appeal is filed under Section 378 (1) of Criminal Procedure Code, to set aside the judgment passed by the learned Additional District Judge cum Fast Track Court No.1, Trichy in Crl.A.No.31 of 2011, dated 12.10.2011 and confirm the sentence passed by the learned Judicial Magistrate No.IV, Trichy in S.T.C.No.830 of 2006, dated 22.01.2011.

For Appellant : Mr.R.Mathiyalagan

JUDGMENT

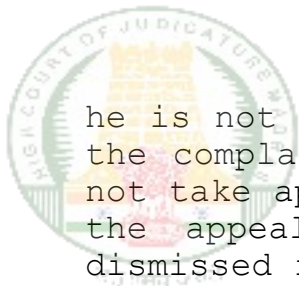
This Criminal Appeal is filed by the complainant as against the order of acquittal passed by the Court of Sessions.

2.The case is arising out of a complaint initiated under Section 138 of Negotiable Instruments Act. The trial Court found that the accused guilty and convicted and sentenced him to undergo one year imprisonment.

3.On appeal, the appellate Court reversed the conviction and sentence imposed by the trial Court and acquitted the accused. As against the same, the complainant has preferred this criminal appeal.

4.The appeal was admitted in the year 2013 and notice was also ordered. But, the notice has not been served upon the respondent/accused so far. There is no proof of acknowledgment for the service of notice either from the appellant or from the Registry.

5.The learned counsel for the appellant has also submitted that



he is not in a position to contact the complainant. It appears that the complainant is not interested to prosecute the case and he has not take appropriate steps to serve the notice about the pendency of the appeal to the accused. Therefore, this Criminal Appeal is dismissed for non prosecution.

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Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar (CS)

das

To

1.The Judicial Magistrate No.IV, Trichy.

2.The Additional District Judge cum Fast Track Court,
Trichy.

CRL.A (MD) No.373 of 2013
23.10.2019

KK/SAR/20.11.2019/2P-3C/