



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.23262 of 2021

A.Shankar

..Petitioner/Complainant

Versus

Manikandan

...Respondent/Accused

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the III Additional District and Sessions Judge, Coimbatore to transfer the C.A.No.244/2019, pending on the file of the said Court and commit the same before this Court as per the full bench Judgment of this Court dated 28.05.2021 in C.A.No.89 of 2020, 90 of 2020, Criminal Revision Case Nos.494,536 of 2019, CrI.M.P.Nos.1789, 1794 and 7289 of 2019.

For Petitioner : Mr.A.Thiyagarajan

O R D E R

This Criminal Original Petition has been filed to direct the III Additional District and Sessions Judge, Coimbatore to transfer the C.A.No.244/2019, pending on the file of the said Court and commit the same before this Court as per the full bench Judgment of this Court dated 28.05.2021 in C.A.No.89 of 2020, 90 of 2020, Criminal Revision Case Nos.494,536 of 2019, CrI.M.P.Nos.1789, 1794 and 7289 of 2019.

2. The case of the petitioner is that the petitioner as a complainant had filed a case against the respondent under Section 138 of the Negotiable Instruments Act in C.C.No.2 of 2015 and the trial Court, by Judgment dated 17.06.2021 had acquitted the accused and thereafter the petitioner had filed an Appeal before the III Additional District Judge, Coimbatore, which is pending in C.A.No.244 of 2019. The petitioner further states that as per the Division Bench Judgment of this Court in the case of Mr.K.Rajalingam and Ors Versus R.Suganthalakshmi and Ors reported in 2020 CrI LJ 2593, the Appeal against acquittal should be filed only before this Court under Section 378 (4) Cr.P.C., but the learned III Additional District Judge, Coimbatore is not taking any steps to transfer the C.A.No.244 of



2019 to the file of this Court and hence the present Criminal Original Petition has been filed.

3. The learned counsel appearing for the petitioner submitted that the petitioner is a senior citizen aged about 71 years and suffering from various health ailments and his only endeavour is that he should see the light of this case, during his life time.

4. Heard the submissions of the learned counsel appearing for the petitioner. Perused the records.

5. The III Additional District Judge, Coimbatore in his proceedings on 29.09.2021 has made the following endorsement.

"Appeal against acquitted is maintainable Honble High Court call on 22.12.2021." "Arguments"

6. It is strange to see that how such recordings are being made, despite the fact that this Court in the Judgment stated supra, by discussing various aspects and decisions has held that the Appeal against acquittal shall be filed before this Court, which position is known to the learned Judge.

7. Considering the submissions made by learned counsel appearing on either side and also in view of the Division Bench Judgment of this Court stated supra, the III Additional District Judge, Coimbatore is directed to transmit the Appeal pending on his file in C.A.No.244 of 2019, to the file of this Court forthwith i.e., on receipt of this order. It is further represented that several of Appeals against acquittal are still pending in the various Courts of Coimbatore District.

8. In view of the same, the learned Principal District Judge, Coimbatore is directed to take steps to ensure to implement the order of this court and cases are transferred to this Court without further delay.

9. This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

arr



To

1. The III Additional District and Sessions Judge, Coimbatore

2. The Principal District Judge, Coimbatore

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RR (CO)
RGA (14/12/2021)