

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.11.2017

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.A.No.791 of 2015

M/s.Subaya Construction Company Ltd.,
Rep by its Accountant Mr.Mohana Murugan
having office at No.21, Soundarapandiyan Street,
Ashok Nagar, Chennai - 83. ... Appellant

Vs

1.M/s.Almech Engineers Pvt Ltd.,
No.4/2, 1st Floor, Kalasthamman Koil Street,
Ramapura, Chennai-89.

2.Sundararajan,
Director,
M/s.Almech Engineers Pvt Ltd.,
No.4/2, 1st floor, Kalasthamman Koil Street,
Ramapura, Chennai-89.

3.K.B.Vijayan ... Respondents

Prayer:- Criminal Appeal filed under Section 378 of the Code of Criminal Procedure to set aside the order passed in C.C.No.7374 of 2013 on the file of the learned Metropolitan Magistrate, Fast Track Court No.II, Egmore, Chennai dated 10.05.2015.

For Appellant : Mr.S.Nagarajan

For Respondents : Mr.R.Parthasarathy for R3.
Private Notice returned
for R1 & R2.

WEB COPY
JUDGMENT

For the sake of convenience, the appellant and the respondent will be referred to as the complainant and the accused respectively.

2.The complainant has initiated a prosecution in C.C.No.7374 of 2013 against the accused for the offence under Section 138 of the Negotiable Instruments Act, in which, the

learned Metropolitan Magistrate, Fast Track Court No.II, Egmore, Chennai, had acquitted the accused on 10.05.2015. Hence, the complainant has filed the present appeal against the order of acquittal before this Court.

3.Heard the learned counsel appearing for the complainant and the learned counsel appearing for the 3rd respondent.

4. In view of the Judgment of the Full Bench of this Court in S.Ganapathy Vs. N. Senthilvel [(2016) 3 MLJ (Cr1) 641 (FB)], this Court has no jurisdiction to entertain this appeal and therefore, the Registry is directed to transmit all the papers to the Principal Judge, City Civil Court, Chennai, within a period of four weeks from the date of receipt of a copy of this order, after retaining the photo copies of the papers on file.

The complainant and the accused shall appear before the Principal Judge, City Civil Court, Chennai, on 22.12.2017 at 10.30 a.m.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mps

To

1.The Principal Judge,
City Civil Court,
Chennai.

2.The Metropolitan Magistrate,
Fast Track Court No.II,
Egmore, Chennai.

Copy to

The Section officer,
Cr1. Records,
High court, Madras.

+1cc to Mr.S.NAGARAJAN Advocate, S.R.No. 82059
Cr1.A.No.791 of 2015

KJI (CO)
TR(14/12/2017)