



Crl.A.No.245 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2024

CORAM :

THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

Crl.A.No.245 of 2021

Shahul Hameed

... Appellant

Vs.

K.Udaya Kumar

... Respondent

Prayer: Criminal Appeal filed u/s.378 of the Code of Criminal Procedure, seeking to set aside the judgment in C.C.No.7432 of 2016 passed by the learned XX Metropolitan Magistrate, Allikulam Complex, Chennai – 03, dated 23.03.2021 and convicted the respondent/accused with award of compensation under section 357(3) of Cr.P.C.

For Appellant : Mr.V.Krishnamoorthy

For Respondent : Mr.G.Ravikumar

JUDGMENT

The Criminal Appeal has been filed seeking to set aside the judgment dated 23.03.2021 passed by the learned XX Metropolitan Magistrate, Allikulam Complex, Chennai – 03 in C.C.No.7432 of 2016.

2. The learned counsel appearing for the appellant submitted that,



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this Court, without going into the merits of the case may grant liberty to the appellant to approach the Civil Court for recovery of money by producing the promissory notes and impugned cheques and further prayed that the period during the pendency of C.C.No.7432 of 2016 before the Court below and the Criminal Appeal before this Court may be excluded for the purpose of limitation.

3. In view of the above, this Criminal Appeal is dismissed with the above liberty. The period during the pendency of C.C.No.7432 of 2016 before the Court below and the Criminal Appeal before this Court for the purpose of limitation, would be available if the appellant is otherwise entitled to in accordance with law.

16.04.2024

Index : Yes / No
Speaking order / Non-speaking order
NCC : Yes / No
sp

To

1.The XX Metropolitan Magistrate, Allikulam Complex, Chennai – 03.



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M.DHANDAPANI, J.

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