

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.12.2017

CORAM

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

Criminal Appeal No.754 of 2015

T.N.K.Govindaraju Chetty & Co.,Pvt.Ltd.,  
TNK House, II Floor,  
No.48, Anna Salai,  
Chennai -2.  
Rep. by Ramanjulu  
Assistant Manager.

.... Appellant

Vs

Balakrishnan

.... Respondents

Appeal filed under Section 378 of Criminal Procedure Code against the judgment dated 01.09.2015 passed in C.C.No.389 of 2009 on the file of the learned Metropolitan Magistrate (Fast Track Court No.4), George Town, Chennai.

For Appellant : Mr.M.Nirmal Kumar

For Respondent : Mr.S.Nagarajan

### **JUDGMENT**

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

2. The present appeal has been filed challenging the order of acquittal passed by the Metropolitan Magistrate (Fast Track Court No.4), George Town, Chennai in C.C.No.389 of 2009 dated 01.09.2015 for the offence punishable under Section 138 of Negotiable Instruments Act.

**P.N. PRAKASH,J.,**

cla

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

4. On a perusal of the records, it is seen that notice has not been served on the accused.

5. However, in view of the judgment of a Full Bench of this Court in **S. Ganapathy vs N. Senthilvel** reported in **(2016) 3 MLJ (Cri) 641 (FB)**, Registry is directed to send all the records relating to this case to the Court of Principal Sessions Judge, Chennai, after taking photocopy of the file, within a period of four weeks from the date of receipt of a copy of this Order.

6. The complainant is directed to appear before the learned Principal Sessions Judge, Chennai on 22.01.2018 at 10.30 a.m.

With the above direction, the criminal appeal is disposed of.

13-12-2017

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Speaking/Non-Speaking Order

Index:yes/no

To

1. The Principal Sessions Judge, Chennai.
2. The Metropolitan Magistrate (Fast Track Court No.4), George Town, Chennai.

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