



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Criminal Appeal (MD) No.93 of 2009

G.Shanmuga Sundaram ... Appellant/Complainant

Vs.

J.Darwin Gunalan ... Respondent/Accused

PRAYER : Criminal Appeal filed under Section 378 of Cr.P.C., to call for the entire records in C.C.No.76 of 2007 on the file of the Additional District Munsif (conferred with power to act as Judicial Magistrate by this Court), Thoothukudi, Thoothukudi District which was originally pending on the file of the Judicial Magistrate No.II, Thoothukudi, Thoothukudi District as C.C.No.474 of 2004 and by setting aside the acquittal judgment passed by the said learned Magistrate on 11.04.2007, convict the respondent under Section 138 of the Negotiable Instruments Act by awarding maximum punishment.

For Appellant : Mr.R.Anand

J U D G M E N T

The appellant is the complainant. He has filed a private complaint under Section 200 of Cr.P.C. for the offence under Section 138 of the Negotiable Instruments Act against the respondent in the year 2004.

2. The alleged cheques were issued on 16.03.2004. The appellant/complainant has filed this appeal before this Court in the year 2009. The appeal is pending for more than ten years. Notice was not served on the respondent. Though, this Court had ordered private notice to the respondent, the proof of service has not yet been filed. Therefore, the appeal is dismissed for default.

Sd/-

Assistant Registrar (AD-I)

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To

1.The Judicial Magistrate No.II,
Thoothukudi.

2.The Additional District Munsif,
Tuticorin District, Tuticorin.

JUDGMENT MADE IN
Criminal Appeal (MD) No.93 of 2009
31.08.2019

AE/ 05.12.2019 / 2P/ 3C