



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-07-2026

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THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL OP No. 17593 of 2026

and

CRL.MP.No.11733 of 2026

M.Manikandan
S/o.Manickam,
No.4/413, Sundara Vinayagar Nagar,
Sundaracholapuram,
Thiruverkadu, Chennai - 600 077.

..Petitioner(s)

Vs

S.Suresh
S/o.B.Sundar,
Present Address,
No.5891, TNHB Housing Board,
TNHB Road, TNHB Colony,
Ayappakkam, Chennai - 600 074.
Old Address
No.5/125, Barnar Salai,
J.J.Nagar, Mogappair East,
Chennai - 600 037.

..Respondent(s)

Prayer: This Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, praying to set aside the impugned order passed by Hon'ble Principal District and Sessions Judge, Thiruvallur in Tr.Crl.M.P.No.4328 of 2025 dated 03.06.2026 and consequently Transfer the S.T.C.No.318 of 2021 from the file of the Fast Track Court, Ambattur to the file of Fast Track Court, Poonamallee and pass such further orders as this Honourable Court may deem fit and proper in the circumstances of the case.

For Petitioner(s):

Mr.C.C.Sivakumar

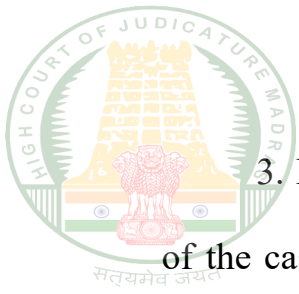


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ORDER

This Criminal Original Petition has been filed challenging the order dated 03.06.2026 passed in Tr.Crl.M.P.No.4328 of 2025, whereby the learned Principal Sessions Judge, Thiruvallur, dismissed the transfer petition filed by the petitioner.

2. The learned counsel for the petitioner contented that the Presiding Officer of the Court concerned has been conducting the proceedings in a biased manner. According to the learned counsel, during the course of trial, the proceedings were not properly recorded and at various stages, the defence counsel was not permitted to effectively cross-examine the witnesses. It is further submitted that whenever the counsel attempted to intervene, the Court recorded that he was unnecessarily interfering with the proceedings and adjourned the matter. The learned counsel further submitted that, in connection with the dismissal of the transfer petition, a memo was filed after verifying the status available on the e-Courts portal. However, the learned Magistrate took exception to the contents of the memo and issued a notice proposing contempt proceedings against the learned counsel for the petitioner.



3. In support of his contention, the learned counsel produced screenshots of the case status as reflected on the e-Courts portal and submitted that, as on the date and time referred to in the memo, the order had not been uploaded on the website. According to him, the contents of the memo merely reflected the information available on the e-Courts portal at the relevant point of time. Therefore, it is contended that the issuance of a contempt notice on that basis is unwarranted. The learned counsel would further submit that the manner in which the proceedings have been conducted indicates bias against both the accused and his counsel, warranting transfer of the case.

4. The learned counsel also submitted that the complainant has specifically alleged that the accused and his wife visited his place on a particular date and obtained the loan amount. However, according to the petitioner, the passport of the accused, which has been marked in evidence, would establish that the accused was in Singapore on the very date on which the alleged transaction is said to have taken place.

5. I have considered the submissions made by the learned counsel for the petitioner and perused the materials available on record.

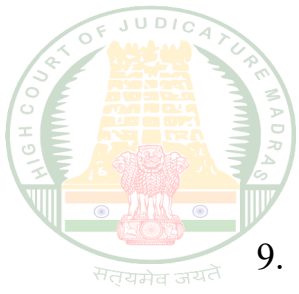
6. Insofar as the notice issued against the learned counsel is concerned, the screenshots produced before this Court indicate that the contents of the



memo were based upon the status reflected on the e-Courts portal. Therefore, the said materials shall be taken into consideration by the learned Presiding Officer while dealing with the notice issued to the learned counsel, and the learned Presiding Officer shall consider whether any further proceedings pursuant to the said notice are required.

7. As regards the prayer for transfer, it may be true that, during the course of trial, exchanges between the Court and counsel occasionally become heated and certain observations may have been recorded by the learned Magistrate regarding the conduct of the counsel. However, such incidents, by themselves, cannot be presumed to have influenced either the mind of the judicial officer or the ultimate adjudication of the case.

8. It is brought to the notice of this Court that the matter has already been posted for judgment. The case of the complainant is that the amount was advanced through banking channels and that the cheque in question was issued towards discharge of the liability. The defence of the accused, on the other hand, is that a portion of the amount was never received by him and that the amounts which were received related to independent transactions for which repayments had already been made. These are all matters to be adjudicated by the trial Court on the basis of the evidence available on record.



9. The happenings during the course of trial cannot, by themselves, hamper the progress of the proceedings or justify a transfer at this stage. The trial Court is expected to independently and dispassionately assess the evidence and render its judgment in accordance with law.

10. Considering the fact that the transfer petition has been filed at the fag end of the proceedings and that the matter is stated to have been posted for pronouncement of judgment on 08.07.2026, this Court is not inclined to entertain the request for transfer.

11. With the above observations, particularly regarding the notice issued to the learned counsel, this Criminal Original Petition stands disposed of. Consequently, connected miscellaneous petition is closed.

07-07-2026

Neutral Citation: Yes/No

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To

1. The learned Principal District and Sessions Judge, Thiruvallur.
2. The Fast Track Court, Ambattur.



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D.BHARATHA CHAKRAVARTHY, J.

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