

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2015

Coram

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Criminal Revision Case Nos.536 to 539 of 2015
and
M.P.Nos.1, 1, 1 and 1 of 2015

M/s.Imatics Technologies Pvt.Ltd.,
rep.by its Authorized Signatory
Mr.Ramakrishnan

.. Petitioner in all the Crl.R.Cs
(Accused No.I)

Versus

M/s.Interlace India Pvt.Ltd.,
rep.by its Vice President
Mr.G.Ambalavanan

.. Respondent in all the Crl.R.Cs
(Complainant)

Criminal Revision Cases filed under Sections 397 and 401 of Cr.P.C. against the common order dated 21.04.2015 passed by the learned Principal Sessions Judge, Chennai in Crl.M.P.Nos.2110, 2113, 2115 and 2108 of 2015 in C.C.Nos.1191 of 2013, 2071 of 2013, 2072 of 2013 and 1113 of 2013 on the file of the FTC No.III, Saidapet, Chennai respectively.

For Petitioner : Mr.A.Natarajan
in all Crl.R.Cs. Senior Counsel for
Ms.A.Madhumathi

For Respondent : Mr.R.Shivakumar for
in all Crl.R.Cs. M/s.K.M.Vijayan Associates

COMMON ORDER

The petitioner has preferred the above Criminal Revision Cases as against the common order dated 21.04.2015 passed by the learned Principal Sessions Judge, Chennai in Transfer Crl.M.P.Nos.2110, 2113, 2115 and 2108 of 2015 in C.C.Nos.1191 of 2013, 2071 of 2013, 2072 of 2013 and 1113 of 2013 respectively in dismissing their petitions seeking transfer of these cases pending on the file of the Metropolitan Magistrate Fast Track Court No.III, Saidapet, Chennai to the file of XVIII Metropolitan Magistrate Court, Saidapet, Chennai to be tried along with one other case pending before that Court in C.C.No.2726 of 2014.

2. The brief facts of the case is as follows:

The respondent/complainant has preferred four complaints against the petitioner/accused under Section 138 of the Negotiable Instruments Act. The respondent/complainant has also preferred one

other complaint in C.C.No.2726 of 2014 as against the petitioner/accused for the alleged offence under Sections 417, 418, 420, 406 and 422 r/w 34 IPC. In both the cases, along with the petitioner there are also other accused involved. According to the petitioner, all these five cases arise out of the one and the same transaction. Hence, they filed petitions under Section 408 of Cr.P.C., before the learned Principal Sessions Judge, Chennai seeking transfer of the cases filed under Section 138 of the Negotiable Instruments Act on the file of the Metropolitan Magistrate, Fast Track Court No.III, Saidapet, Chennai to the file of the XVIII Metropolitan Magistrate Court, Saidapet, Chennai for conducting joint trial to arrive at a just conclusion. However, the said petitions were dismissed by the Court below. Hence, the present revisions.

3. Learned Senior counsel appearing for the petitioner submitted that the Court below without taking note of the fact that the matter is pertaining to one and the same issue, dismissed the petitions filed by the petitioner seeking transfer of the cases filed under Section 138 of the Negotiable Instruments Act to the Court, which deals with the case filed under Sections 417, 418, 420, 406 and 422 r/w 34 IPC. He would submit that already this Court has granted stay of the proceedings relating to the case filed in C.C.No.2726 of 2014. He would specifically state that the petitioner is not asking for joint trial of the cases and that they are also not asking for stay of the 138 cases. Hence, the only request made by the learned Senior counsel for the petitioner before this Court is that, to arrive at a just and fair conclusion in all the cases, the C.C.No.2726 of 2014 filed as against the petitioner/accused for the alleged offence under Sections 417, 418, 420, 406 and 422 r/w 34 IPC before the learned XVIII Metropolitan Magistrate Court, Saidapet, Chennai may also be transferred to one and the same Court, so that it can be heard by the same Judge.

4. Learned counsel appearing for the respondent/complainant would submit that the cases are pending for a long time. However, he would submit that the case pending in C.C.No.2726 of 2014 on the file XVIII Metropolitan Magistrate Court, Saidapet, Chennai may be transferred to the Metropolitan Magistrate, Fast Track Court No.III, Saidapet, Chennai to try along with the cases pending under Section 138 of the Negotiable Instruments Act as the same is a Fast Track Court, so that the matter will be disposed of at the earliest. But he also made it clear that there cannot be any joint trial or there cannot be any stay insofar as the cases filed under Section 138 of the Negotiable Instruments Act is concerned as already the matter is in a part-heard stage.

5. Heard the learned Government Advocate (Criminal side) in this regard, who brought to the notice of this Court that one of the offences alleged in C.C.No.2726 of 2014 is under Section 420 IPC, normally, that would be tried only before the Jurisdictional Court as the same cannot be tried along with Section 138 of the Negotiable Instruments Act. He would further submit that, however, this Court has got power to transfer the case to be tried in the same Court, if there are connected matters and if need arises.

6. I have heard the counsel on either side and perused the materials available on record.

7. Having regard to the consolidated opinion expressed by the parties, without going into the merits of the matter; that the petitioner/accused seeks only transfer of the cases filed under Section 138 of the Negotiable Instruments Act to be posted in the same Court with the connected matter pending in C.C.No.2726 of 2014, as the parties to the proceedings are one and the same and to reach its logical conclusion; that the petitioner/accused did not seek any stay of the proceedings or for joint trial, I am inclined to pass the following order:

(i) The common order dated 21.04.2015 passed by the learned Principal Sessions Judge, Chennai in Transfer Crl.M.P.Nos.2108/2015, 2110 of 2015, 2113 of 2015 and 2115 of 2015 in C.C.Nos.1113 of 2013, 1191 of 2013, 2071 and 2072 of 2013 respectively are set aside.

(ii) Consequently, the case pending in C.C.No.2726 of 2014 on the file of the learned XVIII Metropolitan Magistrate Court, Saidapet, Chennai for the offences under Sections 417, 418, 420, 406 and 422 r/w 34 IPC is recalled and transferred to the file of the learned Metropolitan Magistrate, Fast Track Court No.III, Saidapet, Chennai to be tried separately in the same Court wherein C.C.Nos. 1113 of 2013, 1191 of 2013, 2071 and 2072 of 2013 are pending for the alleged offence under Section 138 of the Negotiable Instruments Act.

(iii) It is made clear that the learned Metropolitan Magistrate, Fast Track Court No.III, Saidapet, Chennai shall hear all these matters and dispose of the same, as expeditiously as possible.

8. With the above observation, all these Criminal Revision Cases are disposed of. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

vj2

To

1. The Principal Sessions Judge,
Chennai.

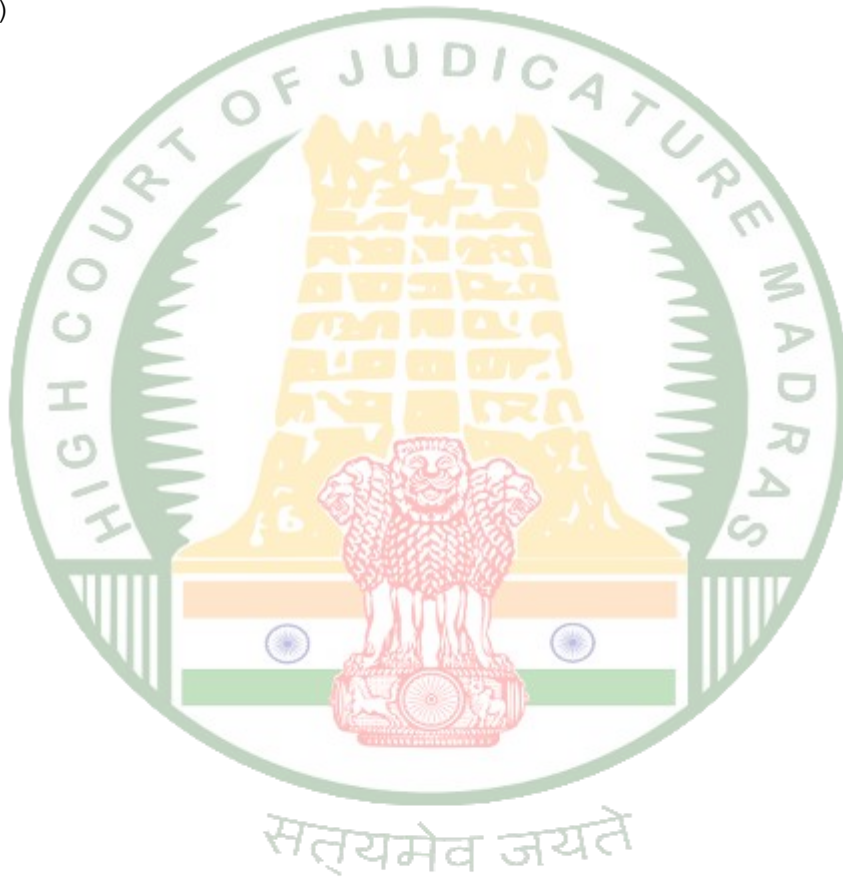
2. The Metropolitan Magistrate,
Fast Track Court No.III, Saidapet, Chennai

3. The XVIII Metropolitan Magistrate Court,
Saidapet, Chennai

4 ccs to M/s.A. Madhumathi, Advocate, Sr. 29346, 29343, 29344, 29345
1 cc to M/s. K.M. Vijayan Associates, Sr. 29431

Crl RC Nos.536 to 539 of 2015

VSN (CO)
kk 25/6



WEB COPY