

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2015

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH

CrI.O.P.No.21796 of 2015
and MP.Nos.1 and 2 of 2015

D.Shankari

... Petitioner

Vs.

V.Usha

... Respondent

Prayer: Criminal Original Petition filed under Section 407 of Cr.P.C., praying to transfer the S.T.C.No.1687 of 2015 (originally filed as S.T.C.No.17 of 2014 on the file of the Judicial Magistrate, Fast Track Level at Athur), on the file of the Judicial Magistrate Court at Tambaram to Judicial Magistrate, Fast Track Level at Athur.

For Petitioner : Mr.S.Arivazhagan

For Respondent : Mr.S.Panneerselvan

O R D E R

This Criminal Original Petition has been filed to transfer S.T.C.No.1687 of 2015 (originally filed as S.T.C.No.17 of 2014 on the file of the learned Judicial Magistrate, Fast Track Level at Athur), on the file of the learned Judicial Magistrate Court at Tambaram to the file of Judicial Magistrate, Fast Track Level at Athur.

2. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondent.

3. For the sake of convenience, the parties will be referred to as complainant and accused. The complainant initiated prosecution against the accused in STC.No.17 of 2014 , under Section 138 of Negotiable Instruments Act, before the learned Judicial Magistrate, Fast Track Level, Attur, Salem District, in respect of a cheque dated 25.11.2013 drawn on City Union Bank, Tambaram Branch. Pursuant to the judgment of Hon'ble Supreme Court in Dashrath Rupsingh Rathod Vs. State of Maharashtra 2014(4) CTC 666, the case in STC.No.40 of 2014 was transferred from the file of the learned Judicial Magistrate, Fast Track Level, Attur to the file of the learned Judicial Magistrate, Tambaram and the case was re-numbered as STC.No.1687 of 2015 before the Magistrate Court, Tambaram.

4. Now the Central Government has passed an Ordinance dated 22.09.2015 on account of which, this case will be re-transferred to the file of the learned Judicial Magistrate, Fast Track Level, Attur. Before passing of the ordinance, the petitioner/accused has filed this transfer petition before this Court, seeking to transfer the case from the file of Judicial Magistrate, Tambaram to the file of Judicial Magistrate, Fast Track Level, Attur.

5. When the matter came up for admission, the learned counsel for the petitioner/accused submitted that he is always ready to settle with the defacto-complainant and in order to show his bonafide, he undertook to deposit the entire cheque amount of Rs.50,000/- before the Court. Therefore, on 21.09.2015 this Court permitted the petitioner/accused to deposit the amount in order to show his bonafide. Accordingly, this petitioner/accused has deposited Rs.50,000/- before the learned Judicial Magistrate, Tambaram, to the credit of STC.No.1687 of 2015 vide receipt No.0448076 dated 13.10.2015.

5. In view of the ordinance passed by the Central Government, this Court directs the learned Judicial Magistrate, Tambaram to transfer STC.No.1687 of 2015, to the file of the learned Judicial Magistrate, Fast Track Level at Attur. The learned Judicial Magistrate, Tambaram shall also transfer the sum of Rs.50,000/- that was deposited by the petitioner, as stated above to the account of the Judicial Magistrate, Fast Track Level at Attur. The learned Judicial Magistrate, Fast Track Level, Attur shall re-deposit the amount in a fixed deposit in a Nationalised Bank, so that the amount accrues some interest. The amount can be disbursed depending upon the outcome of the case.

With the above directions, this Criminal Original Petition is allowed. Consequently connected miscellaneous petitions are closed.

ds

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

1. The Judicial Magistrate,
Fast Track Court, Athur.

2. The Judicial Magistrate,
Tambaram.

+ 1 cc to Mr.S.Arivazhagan, Advocate SR 56700

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Cr1.O.P.No.21796 of 2015



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