

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2015

CORAM

THE HON'BLE MR. JUSTICE R.S.RAMANATHAN

Crl.O.P.No.2758 of 2015
and M.P.No.1 of 2015

Koothankudi S.Shanmugam .. Petitioner

vs.

Mr.C.Ravi ... Respondent

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code praying to withdraw the complaint pending in the Court of the Judicial Magistrate, Fast Track Court, Alandur in C.C.No.121/2013 and transfer the same to the Court of the Judicial Magistrate at Karaikudi.

For Petitioner : Mr.N.Alamelumangai

O R D E R

This petition has been filed under Section 482 CrPC, seeking transfer of the case pending in the Court of the Judicial Magistrate, Fast Track Court, Alandur in C.C.No.121/2013 to the Court of the Judicial Magistrate at Karaikudi.

2. It is submitted by the learned counsel for the petitioner that the petitioner is aged 91 years and he finds it difficult to appear before the Judicial Magistrate, Fast Track Court, Alandur and therefore, seeks transfer of the case to the Judicial Magistrate Court at Karaikudi.

3. I am unable to accept the contention of the learned counsel for the petitioner. A case cannot be transferred on the ground that the accused is aged 91 years. However, having regard to the averments made in the complaint in C.C.No.121/2013 and that the cheque was drawn on Bank of Madura Ltd., now ICICI Bank, Cantonment Branch, Trichy and as per the judgment of the Hon'ble Supreme Court in Dashrath Rupsingh Rathod v. State of Maharashtra and another reported in [2014 (9) SCC 129], the case ought to have been filed before the Judicial Magistrate at Trichy. Hence, it is open to the petitioner to file a memo before the Judicial Magistrate Court, Fast Track Court, Alandur, bringing to the notice of the learned Magistrate about the judgment of the Hon'ble Supreme Court (cited

supra) regarding jurisdiction and on such application being filed, the learned Magistrate shall pass orders and transfer the case to the appropriate Court.

4. This Criminal Original Petition is disposed of accordingly.

jvm

-s/d-
Assistant Registrar (CS-II)
Dt:13/2/2015

True Copy

Sub-Assistant Registrar

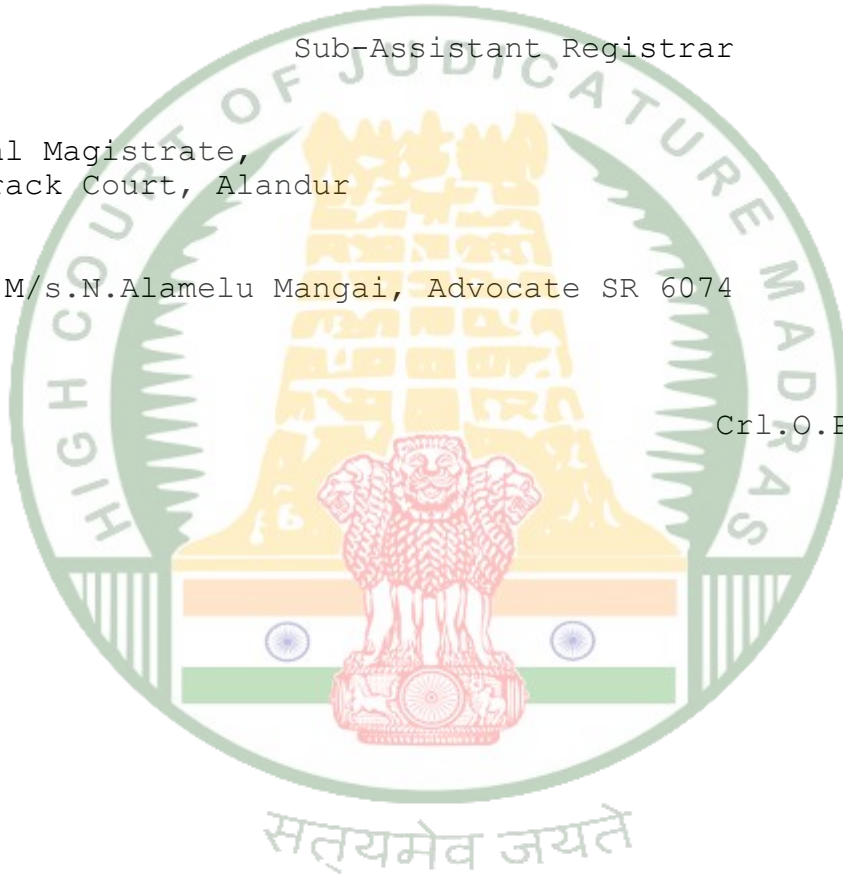
To

1. Judicial Magistrate,
Fast Track Court, Alandur

+ 1 cc to M/s.N.Alamelu Mangai, Advocate SR 6074

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