

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2015

CORAM

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

Crl.O.P.No.7599 of 2015
and
M.P.No. 1 of 2015.

E.M.Arivazhagan ... Petitioner

vs.

V.Subramani ... Respondent

Criminal Original Petition filed under Section 407 of the Criminal Procedure Code praying to withdraw and transfer the case in S.T.C.No.76 of 2013 from the file of the learned Judicial Magistrate, Tiruchengode, Namakkal District to the file of the Judicial Magistrate No.I, Erode, Erode District.

For Petitioner : Mr.C.Prakasam

O R D E R

This petition has been filed seeking to transfer the case in STC.No.76 of 2013 filed by the respondent before learned Judicial Magistrate, Tiruchengode to the file of the Judicial Magistrate No.I, Erode, which has got jurisdiction.

2. It is submitted by the learned counsel appearing for the petitioner that the respondent filed a private complaint in S.T.C.No.76 of 2013 under Section 138 of the Negotiable Instruments Act, before the learned Judicial Magistrate, Tiruchengode and as per the complaint, the petitioner issued two cheques drawn on ICICI Bank Ltd, Erode Branch and the cheques were dis-honoured, when he presented the same. Therefore, he submitted that as per the judgment of Hon'ble Supreme Court, the case has been filed only within the jurisdiction of the Bank on which the cheque was drawn and admittedly the cheque was drawn on ICICI Bank, Erode Branch and therefore, he seeks to transfer the case to the file of the learned Judicial Magistrate No.I, Erode.

3. As per the judgement of the Hon'ble Supreme Court, I am unable to accept the contention of the learned counsel appearing for

the petitioner and it is open to the petitioner to apply to the learned Judicial Magistrate, Tiruchengode to transfer the case to the learned Judicial Magistrate No-I, Erode, which has got jurisdiction and without filing the said petition, he cannot file a petition before this court seeking for transfer of the case. Hence, this Criminal Original Petition is disposed of with liberty to the petitioner to move the learned Judicial Magistrate, Thiruchengode to transfer the case by quoting the Supreme Court judgement. Connected miscellaneous petition closed.

rrg/dn

-s/d-

Assistant Registrar()

Dt:6/4/2015

True Copy

Sub-Assistant Registrar

To

1. The Judicial Magistrate,
Tiruchengode, Namakkal District

2. The Judicial Magistrate No.I,
Erode, Erode District.

+ 1 cc to Mr.C.Prakasam, Advocate SR 5513

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Cr1.O.P.No.7599 of 2015

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