



MADURAI BENCH OF MADRAS HIGH COURT
DATED 23.02.2015
CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

WEB COPY

Crl.O.P. (MD) No.2849 of 2015
and M.P. (MD) No. 1 of 2015

K.R.Srinivasan .. Petitioner
Prop.M/s.K.R.S.Constructions
Vs.

M/s.S.R.V.Earth Movers,
Rep. by it's partner,
Shri R.Varadarajan .. Respondent

PRAYER: Criminal Original Petition filed under section 407 of Criminal Procedure Code praying for a direction to withdraw the case in S.T.C. No.7337 of 2013 on the file of the Judicial Magistrate No.1 at Sankari, Salem District and transfer the same to the Judicial Magistrate No.2, Madurai which is competent to try the case and pass further or orders as this Court may deem fit in the circumstances of the case.

For Petitioner : Mr.A.Rajkumar Sen

O R D E R

This petition has been filed under Section 407 Criminal Procedure Code, seeking transfer of the case in S.T.C. No.7337 of 2013 from the file of the Judicial Magistrate No.1 at Sankari, Salem District, to the file of the Judicial Magistrate No.2, Madurai, which is competent to try the case.

2. Heard the learned counsel for the petitioner.

3. The petitioner, who is accused in the case in S.T.C.No. 7337 of 2013 for offence under Section 138 of Negotiable Instruments Act, seeks transfer on the ground that the decision of Apex Court in Dashrath Rupsingh Rathod Vs. State of Maharastra reported in 2014(4) CTC 666 applies since trial has not been commenced. The learned counsel submits that the respondent/complainant has till date not filed proof affidavit.

4.This petition shall stand dismissed with the observation that if the contention made on behalf of the petitioner is correct, it would be open to the petitioner to seek transfer on filing a memo before the lower court on the basis of the decision of Apex Court. Consequently, M.P.No. 1 of 2015 is also dismissed.

Sd/-
Assistant Registrar(CO)

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To

1.The Judicial Magistrate No.1 at Sankari, Salem District

2.The Judicial Magistrate No.2, Madurai

3.The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

+1 CC TO M/S.A.RAJKUMAR SEN, ADVOCATE SR.NO.8935

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