

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.No.11664 of 2016

and

Crl.MP.No.5956 of 2016

N.Vijayan

...Petitioner/Accused

Vs.

S.Jawahar

... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 407 of Cr.P.C., to transfer the case in C.C.No.249 of 2005, pending on the file of the Judicial Magistrate Court at Uthagamandalam to some other Judicial Magistrate Court within the Chennai District.

For Petitioner : Mr.A.Arokiadoss

O R D E R

This Criminal Original Petition has been filed praying to transfer the case in C.C.No.249 of 2005 on the file of the Judicial Magistrate Court, Uthagamandalam to any other Judicial Magistrate Court within the Chennai District.

2. For the sake of convenience, the parties will be referred to as complainant and accused. It is the case of the complainant that the accused/petitioner had borrowed money and had issued a cheque for Rs.1,00,000/- which when presented was dishonoured. After issuance of statutory notice, the complainant has launched a prosecution before the learned Judicial Magistrate, Ootacamund in C.C.No.249 of 2005 for the offence under Section 138 of the Negotiable Instruments Act against the accused.

3. The learned counsel for the accused submits that the accused has several medical complications and therefore he is unable to attend the Court proceedings in Ootacamund, as the petitioner/accused is living in Chennai.

4. In the considered opinion of this Court, this cannot be a good ground to transfer a case from Ootacamund to Chennai.

5. It is stated that Non-bailable Warrant is issued against the petitioner/accused. The petitioner/accused is directed to surrender before the trial Court within a period of fifteen days from the date of receipt of a copy of this order and on such surrender the Non-bailable Warrant shall be recalled.

6. The petitioner/accused is directed to execute a bond for Rs.10,000/- with two sureties to the satisfaction of the trial Court under Section 88 Cr.P.C., as directed by the Hon'ble Supreme Court in Indian Bank Association and Others Vs. Union of India and Others 2014-2-LW [Crl] 400.

7. With the above direction, this Criminal Original Petition is closed. Consequently, connected miscellaneous petition is closed.
ds

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

The Judicial Magistrate,
Udagamandalam,
The Nilgiris district.

+ 1 cc to Mr.A.Arokiadoss, Advocate SR 31797

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सत्यमेव जयते

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