

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2016

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Cr1.O.P.NO. 9183 of 2010
and
M.P. No. 1 of 2010

P. Rangasamy ... Petitioner/Accused

Vs.

P. Govindasamy ... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to set aside the order passed in Tr. C.M.P. No. 75 of 2010 on the file of the Principal District Judge, Coimbatore dated 30.03.2010 and transfer the case in C.C. No. 221 of 2008 from the file of the learned Judicial Magistrate No.VII, Coimbatore and transfer the same to the file of the learned Judicial Magistrate No.II, Tirupur.

For Petitioner : Mr. Gunalan

For Respondent : Mr. K. Govi Ganesan

O R D E R

The petitioner has come forward with this Criminal Original Petition seeking to transfer the case in C.C. No. 221 of 2008 from the file of the learned Judicial Magistrate No.VII, Coimbatore, to the file of the learned Judicial Magistrate No.II, Tirupur.

2. The case of the petitioner is that the Transfer Application to transfer the case in C.C. No. 221 of 2008 on the file of the learned Judicial Magistrate No.VII, Coimbatore and to the file of the learned Judicial Magistrate No.II, Tirupur, has been rejected by the Principal District Judge, Coimbatore. The petitioner submitted that he is running a business and there is a case filed against him under Section 138 of the Negotiable Instruments Act, for dishonour of the cheque and that the petitioner and the respondent are residing at Tirupur and the

complaint has been given at Coimbatore, which has no jurisdiction to try the matter.

3. The respondent resisted the transfer petition, stating that the petition is not maintainable and that the same has been filed with an ulterior motive and that the petitioner has already filed a petition to discharge, which was dismissed by the Trial Court on 28.07.2006 and that without filing a revision, the Transfer Petition has been filed, which is a dilatory tactics adopted by the petitioner, when the complainant has also been cross-examined in the case and while that being the case, the petitioner is not entitled to the relief sought for. According to the respondent, his contention that the petition has been filed with an ulterior motive to protract the proceedings, was accepted by the Court. It is further submitted that the matter is pending from 2008 and that in order to give finality to this issue, he has no objection for the matter being transferred to the Court at Tirupur. However, he prayed that this Court may fix a time limit for early disposal of the petitioner.

4. Heard both sides.

5. Even though I find much force in the contention of the respondent that the petition has been filed with a dilatory tactics and the order of the trial court cannot be found fault with, as the respondent has agreed that the matter may be transferred to the trial court at Tirupur, this Court directs the case in C.C. No. 221 of 2008 pending on the file of the learned Judicial Magistrate No.VII, Coimbatore to be transferred to the file of the learned Judicial Magistrate No.II, Tirupur, within 15 days from the date of receipt of a copy of this order. On such receipt, the learned Judicial Magistrate No.II, Tirupur is directed to take up the matter and proceed with the case on a day-to-day basis and the matter shall not be adjourned beyond two working days, at any point of time and take a decision, as expeditiously as possible. It is made clear that the petitioner shall appear before the Trial Court, Tirupur on all hearings without fail. Consequently, the connected M.P is closed.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

avr

To

1. The Principal District Judge, Coimbatore.

2. The Judicial Magistrate No.VII,
Coimbatore

3. The Judicial Magistrate No.II,
Tirupur.

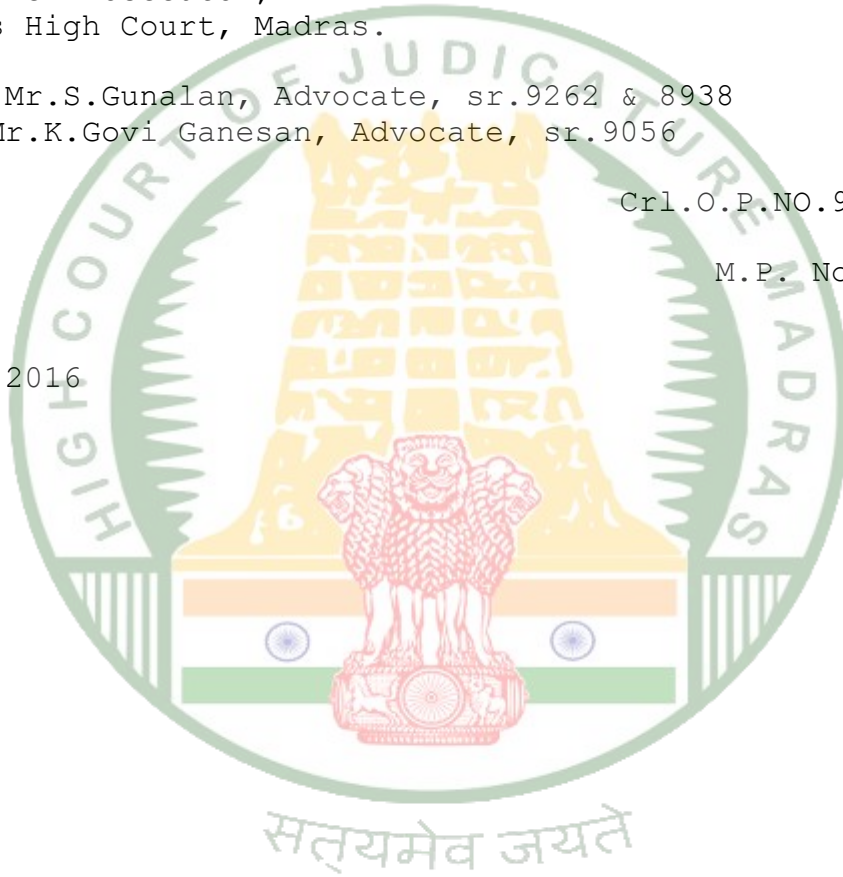
4.The Public Prosecutor,
Madras High Court, Madras.

+2 ccs to Mr.S.Gunalan, Advocate, sr.9262 & 8938

+1 cc to Mr.K.Govi Ganesan, Advocate, sr.9056

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