

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.14780 of 2016
and
Cr1.MPs.No.7376 & 7377 of 2016

Dr.K.Rayar
S/o. Kathavarayan
Jayasurya Teachers Training Institute,
3/139, Jayasurya Mahal, Vignesh Nagar,
Trichy Main Road, Villupuram & District,
Tamil Nadu - 605 401. ... Petitioner/Respondent

Vs

G.Kalaivani ... Respondent/Complainant

Prayer:- Criminal Original Petition filed under Section 407 Cr.P.C., to grant an order to transfer the C.C.No.428 of 2009 from the file of Judicial Magistrate 1 at Tambaram to the file of Judicial Magistrate 1 At Villupuram for the purpose of expeditious trial and disposal of the case.

For Petitioner : Mr. R.Jayakumar

For Respondent : Mr. E.Sathyaraj

ORDER

It is seen that one G.Kalaivani has filed a prosecution in C.C.No.428 of 2009 against K.Rayar, the petitioner herein for an offence under Section 138 of the Negotiable Instrument Act before the Judicial Magistrate No.I, Tambaram, seeking to transfer which, K.Rayar has filed this petition.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

3. It is the case of K.Rayar that he was running a Teacher Training Institute, in which, some dispute had been arisen between the petitioner and the students. It is alleged by the petitioner that a local MLA and some politician conducted Panchayat between the petitioner and the students and they obtained some cheques forcibly from the petitioner

and gave the same to the students. Based on such cheques, it is submitted that Kalaivani has launched the prosecution under Section 138 of the Negotiable Instrument Act in C.C.No.428 of 2009 before the Judicial Magistrate No.1, Tambaram. It is submitted by the petitioner that connected cases are pending in the Court at Villupuram and therefore, the prosecution in C.C.No.428 of 2009 should also be transferred there.

4. Per contra, the learned counsel for Kalaivani submitted that the petitioner had filed a transfer application to transfer the case launched by Dharani Ammal and took the matter up to the Supreme Court and lost and therefore, Rayar, the petitioner herein is adopting all dilatory tactics to prolong the trial.

5. The learned counsel for the petitioner K.Rayar submitted that the case related to Dharani Ammal is different from the present case.

6. Be that as it may, this Court does not find any good reason to transfer the case in C.C.No.428 of 2009 from the Judicial Magistrate No.I, Tambaram to any other Court because the evidence of the complainant had already been completed and posted for defence. Therefore, at this stage, it is not desirable to transfer the case from the Judicial Magistrate No.1, Tambaram, to the file of Judicial Magistrate No.1 at Villupuram.

In the result, the criminal original petition is closed with a direction to the trial Court to complete the trial in C.C.No.428 of 2009 as expeditiously as possible. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sms

To

1. The Judicial Magistrate No. 1,
Tambaram.
2. Do Through The Chief Judicial Magistrate,
Chengalpet.
3. The Judicial Magistrate No.1
Villupuram,

4. Do Through The Chief Judicial Magistrate,
Villupuram.

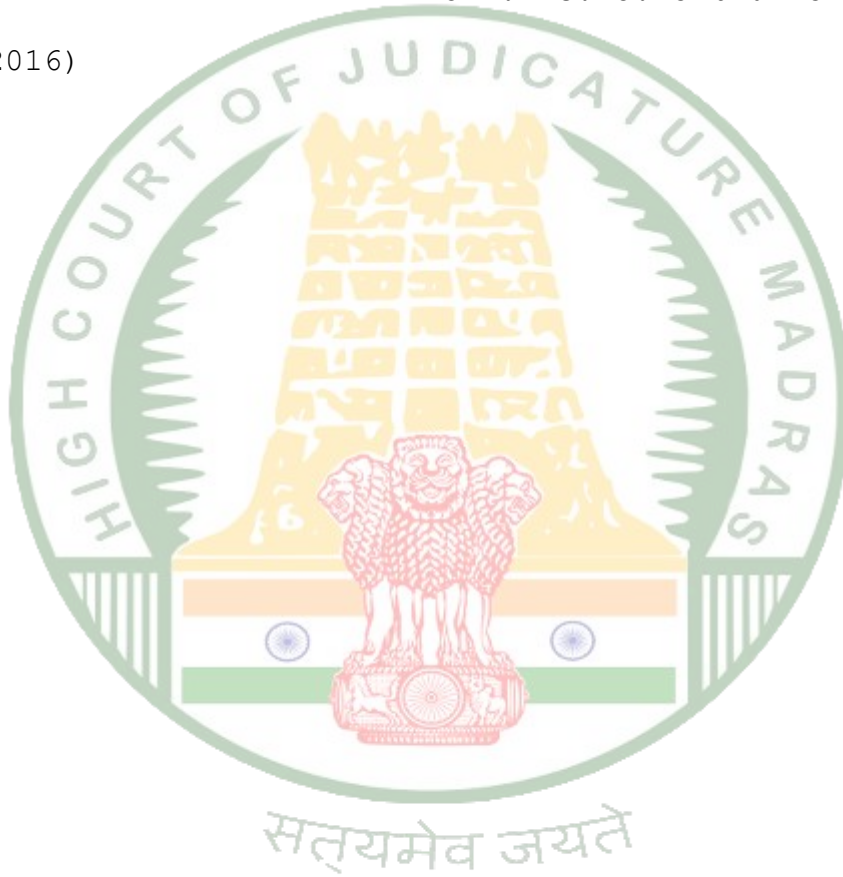
+1cc to Mr.R.Jayakumar, Advocate, S.R.No.45079

+1cc to Mr.E.Sathyaraj, Advocate, S.R.No.45162

CrI.OP No.14780 of 2016
and

CrI.MPs.No.7376 & 7377 of 2016

MG (CO)
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