

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2016

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

Crl.O.P. Nos.23469 to 23471 of 2014
and
M.P.Nos.1, 1 and 1 of 2014

Gomathy ...Petitioner in Crl.O.P.23469/2014
P. Gandhi Gowri Lakshmi ...Petitioner in Crl.O.P.23470/2014
K.S. Murugan ...Petitioner in Crl.O.P.23471/2014

Vs.

Ruth Vijayalakshmi ...Respondent in all Crl.O.Ps.

Criminal Original Petitions filed under Section 482 Cr.P.C. seeking to withdraw and transfer C.C. No.358 of 2013, C.C. No.3 of 2014 and C.C. No.2 of 2014 respectively pending on the file of the Judicial Magistrate Court No.II at Chengalpet to the Judicial Magistrate Court, Tiruchendur.

For petitioner in all OPs : Mr. P. Sam Japa Singh

For respondent in all OPs : Mr. Iruthayaraj

COMMON ORDER

These petitions have been filed seeking to withdraw and transfer C.C. No.358 of 2013, C.C. No.3 of 2014 and C.C. No.2 of 2014 respectively pending on the file of the Judicial Magistrate Court No.II at Chengalpet to the Judicial Magistrate Court, Tiruchendur.

2. For the sake of convenience, the parties will be referred to as complainant and accused.

3. The complainant has initiated prosecution against the accused for an offence under Section 138 of the Negotiable Instruments Act before the Judicial Magistrate No.II, Chengalpet in C.C.No.358 of 2013, C.C.No.3 of 2014 and C.C.No.2 of 2014 respectively, for transferring which, the accused is before this Court on the ground that both the parties are permanent residents of Tiruchendur.

4. That apart, the learned counsel for the accused submits that the transaction had taken place within the Tiruchendur jurisdiction. Section 142 of the Negotiable Instruments Act has been amended, whereby, the trial of Section 138 cases are to be conducted in the Court within whose jurisdiction the Bank of the complainant is situate.

5. Just because the complainant and the accused are living within Tiruchendur and that the transaction had taken place within Tiruchendur, the case cannot be transferred against the statute. Hence, these petitions are devoid of merits and the same are dismissed. Consequently, connected miscellaneous petitions are closed. The trial Court shall ensure that the accused furnish a bond under Section 88 Cr.P.C. for a sum of Rs.5,000/- [Rupees five thousand only] each with two sureties, as laid down by the Supreme Court in Indian Bank Association and Others vs. Union of India and others, [2014-2-L.W. (CrI.) 400] otherwise, the accused will not be entitled to suspension of sentence or bail under Section 389(3) Cr.P.C.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

gms

To

The Judicial Magistrate No.II,
Chengalpet.

+1cc to Mr.A.Irudhayaraj, Advocate, S.R.No.37727

CrI.O.P. Nos.23469 to 23471 of 2014

PPA(CO)
CA(27/07/2016)

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