

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 19.01.2016
Date of verdict : 29.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.29769 of 2015

K.Rajendran

... Petitioner

Vs

S.Venkatesan

... Respondent

Criminal Original Petition filed under Section 407 Cr.P.C. to withdraw the case pending in C.C.No.172 of 2015 pending on the file of learned Judicial Magistrate, Arani and transfer the same to any other competent Metropolitan Magistrate Court at Chennai.

For Petitioner : Mr.K.Selvakumaraswami

For respondent : Mr.P.Satheesh Kumar

ORDER

The present criminal original petition has been filed seeking to withdraw the case in C.C.No.172 of 2015 pending on the file of learned Judicial Magistrate, Arani and transfer the same to any other competent Metropolitan Magistrate Court at Chennai.

2. On the basis of the complaint filed by the respondent as against the petitioner before the learned Judicial Magistrate, Arani, a case has been registered in C.C.No.172 of 2015 for the offence punishable under section 138 of the Negotiable Instruments Act.

3. Now, the present petition has been filed by the petitioner to transfer the said case to any other competent Court stating that he is suffering from severe and unbearable pain in his lower abdomen. When he was referred to Kumaran Hospital, Chennai, it was found that he was having stone in his kidney. Subsequently, he underwent operation in his kidney.

Hence, he could not travel a long distance. Therefore, he has filed the present petition.

4. In my considered opinion, the reason given by the petitioner for transfer of the case is very flimsy in nature and such reason cannot be accepted for transfer of the case. Hence, the present criminal original petition is dismissed. However, the petitioner is at liberty to file appropriate application before the trial Court to dispense with his personal appearance.

Sd/-
Assistant Registrar(CS VII)

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Sub Assistant Registrar

sbi

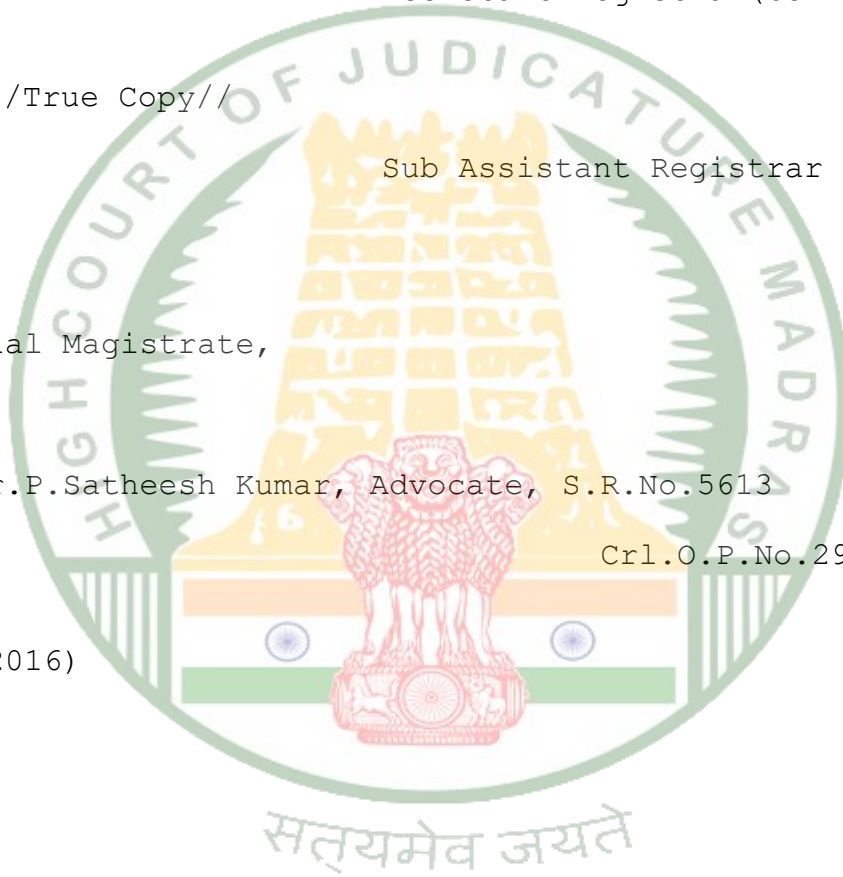
To

The Judicial Magistrate,
Arani.

+1cc to Mr.P.Satheesh Kumar, Advocate, S.R.No.5613

CrI.O.P.No.29769 of 2015

RSI (CO)
CA(16/02/2016)



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