

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2016

C O R A M

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Cr1.O.P.No.22076 of 2016

A.Saravanan

...Petitioner

Vs.

G.Jayachandran

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C to direct the learned XVIII Metropolitan Magistrate, Saidapet, Chennai not to transfer the case in C.C.No.5450 of 2010, on the file of the XVIII Metropolitan Magistrate, Saidapet, Chennai to the learned Fast Track Court-III, Saidapet, Chennai and consequently direct the Learned XVIII Metropolitan Magistrate, Saidapet, Chennai to try and dispose the private complaint filed by the petitioner in C.C.No.5450 of 2010 within stipulated time fixed by this Hon'ble Court.

For Petitioner : Mr.M.K.Sundar

O R D E R

This criminal original petition has been filed to direct the learned XVIII Metropolitan Magistrate, Saidapet, Chennai not to transfer the case in C.C.No.5450 of 2010, on the file of the XVIII Metropolitan Magistrate, Saidapet, Chennai to the learned Fast Track Court-III, Saidapet, Chennai and consequently direct the Learned XVIII Metropolitan Magistrate, Saidapet, Chennai to try and dispose the private complaint filed by the petitioner in C.C.No.5450 of 2010.

2. Heard the learned counsel appearing for the petitioner.

3. For the sake of the convenience, the parties will be referred to by their name.

4. A.Saravanan has lodged a prosecution in C.C.No.5450 of 2009 before the Metropolitan Magistrate No.XVIII, Saidapet, Chennai against G.Jayachandran for an offence under Section 138 of Negotiable Instruments Act. After service of summons on G.Jayachandran, he appeared before the trial Court and he was questioned, thereafter, A.Saravanan filed proof affidavit on 02.08.2010.

5. Learned counsel submitted that A.Sarvanan was cross examined by G.Jayachandran, but unfortunately he was not able to give the date on which he was cross examined. G.Jayachandran filed MP.No.6142 of 2010 in C.C.No.5450 of 2010 under Section 91 Cr.P.C to call for certain records from Income Tax Department, which was dismissed by the trial Court on 07.1.2011. Aggrieved by the order, G.Jayachandran filed Crl.R.C.No.88 of 2011 before this Court, which was dismissed by this Court on 28.03.2014 as follows :-

"With the above observation, this Criminal Revision Petition is dismissed. The trial Court is directed to proceed with the matter and complete the trial as expeditiously as possible. The Deputy Registrar (Records), is directed to return the original records within a period of one week and directed to submit a report before this Court."

6. Thereafter, Jayachandran absconded and did not appear before the trial Court. Hence, non-bailable warrant was issued against him. But the police were not able to secure Jayachandran and hence Saravanan initiated proclamation proceedings in MP.No.1 of 2015 in CC.No.5450 of 2010 against G.Jayachandran before the Metropolitan Magistrate No.XVIII, Saidapet, Chennai, which was ordered on 07.03.2015. Thereafter, Saravanan filed an application under Section 83 Cr.P.C. for attachment of properties of Jayachandran and the same is pending.

7. At this juncture, it is represented that the Metropolitan Magistrate No.XVIII, Saidapet is inclined to transfer the case to the Fast Track Court No.III, Saidapet and hence, Saravanan is before this Court.

8. Saravanan's Bank is Standard Chartered Bank, G.N.Chetty Road, T.Nagar, Chennai which falls within the jurisdiction of Metropolitan Magistrate No.XVIII, Saidapet. The creation of Fast Track Court for dealing with Negotiable Instruments Act cases has not extinguished the ordinary original jurisdiction of the Metropolitan Magistrate No.XVIII, Saidapet to try the cases. Since the matter has been up to the level of proclamation, it is not necessary to transfer the case to the Fast Track Court No.III, Saidapet.

9. Under such circumstances, the Metropolitan Magistrate No.XVIII, Saidapet is directed to proceed with the case in CC.No.5450 of 2010 to its logical conclusion.

With the above direction, this petition is closed.

Sd/-  
Assistant Registrar(CS III)

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Sub Assistant Registrar

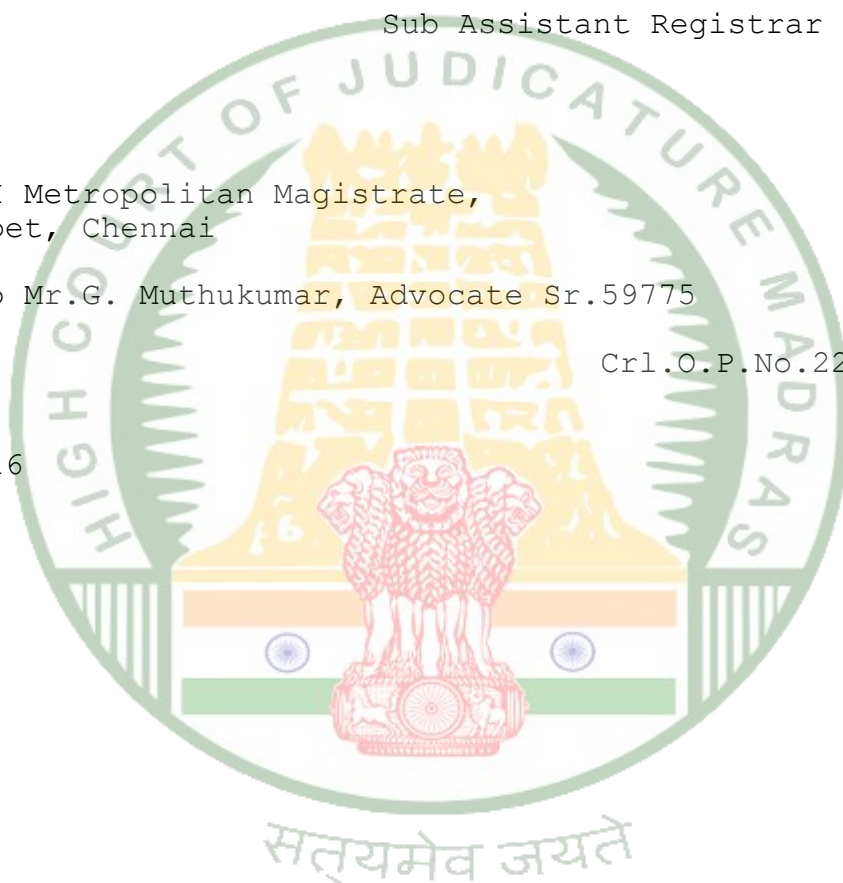
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To  
The XVIII Metropolitan Magistrate,  
Saidapet, Chennai

+ 2 ccs to Mr.G. Muthukumar, Advocate Sr.59775

Crl.O.P.No.22076 of 2016

LRS (CO)  
EU 17.11.16



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