

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Cr1.O.P.No.14661 of 2013

and

M.P.No.1 of 2013

S.Kamalakannan

.. Petitioner

Vs.

M.Pushpavathi

.. Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to withdraw the C.C.No.37 of 2013 on the file of the Judicial Magistrate, Mettupalayam and transfer to any competent Judicial Magistrate Court, Tirupur.

For Petitioner : Mr.M.N.Balakrishnan  
For Respondent : Mr.K.S.Karthik Raja

O R D E R

The petitioner has come forward with this petition to withdraw C.C.No.37 of 2013 on the file of the Judicial Magistrate, Mettupalayam and transfer to any competent Judicial Magistrate Court at Tirupur.

2.The learned counsel for the petitioner submitted that the the respondent as a complainant has given a complaint against the petitioner under Section 138 of Negotiable Instrument Act, which was taken as C.C.No.37 of 2013 on the file of the learned Judicial Magistrate, Mettupalayam. He further submitted that now the petitioner/accused had life threat in the hands of the respondent/complainant and hence, the petitioner has given a complaint before the Mettupalayam Police Station against the respondent, for which, C.S.R.No.146 of 2013 has been given. Therefore, he prays for transfer of C.C.No.37 of 2013 from the file of the Judicial Magistrate, Mettupalayam to the file of any competent Judicial Magistrate Court at Tirupur.

3.At this juncture, the learned counsel for the respondent would submit that the petitioner/accused was involved in so many cases. He further submitted that only with a view to drag on the proceedings, the petitioner/accused has filed the present petition. Hence, he prayed for dismissal of the petition.

4.Considered the rival submissions made by both sides and perused the typed set of papers.

5.The respondent as a complainant has given a complaint against the petitioner, which was taken as C.C.No.37 of 2013, pending on the file of the learned Judicial Magistrate, Mettupalayam. The petitioner would submit that when he appeared before the Court on 17.05.2013, the respondent made a life threat, immediately, the petitioner gave a complaint before the Mettupalayam Police Station, for which, C.S.R.No.146 of 2013 has been given. But, on perusal of the typed set of papers, it is seen that the petitioner was arrayed as accused in five cases, viz., Crim Nos.891/2011, 239/2015, 289/2015, 292/2015 and 371/2015. It is pertinent to note that the petitioner has not made any allegation against the Magistrate concerned and he had only submitted that the respondent has made a life threat. In such circumstances, I do not find any reason to transfer C.C.No.37 of 2013 from the file of the learned Judicial Magistrate, Mettupalayam. Hence, the petition deserves to be dismissed.

6.In the result, the Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

7.The learned Judicial Magistrate, Mettupalayam is directed to consider the petition filed by the petitioner to dispense with his personal appearance, if any. Further, since already the cross examination of P.W.1 has been completed, the Trial Court is directed to dispose of the case in C.C.No.37 of 2013 within a period of one month from the date of receipt of a copy of this order. The petitioner is also directed to co-operate for enquiry.  
cse

-s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To  
The Judicial Magistrate,  
Mettupalayam

+ 1 cc to M/s.W.Camyles Gandhi, Advocate, SR 16231

+ 1 cc to M/s.K.S.Karthik Raja, Advocate, SR 16081

sai(co)  
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and  
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