

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2016

C O R A M

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.25390 of 2016

and

Crl.MP.Nos.12331 & 12332 of 2016

V.BhaskarPetitioner / Accused

Vs.

C.Vijayakumar Respondent / Complaint

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C to transfer the case C.C.No.418 of 2008 from Mannargudi to Nagapattinam to proceed the case without threat by the respondent.

For Petitioner : Mr.S.Jayaseelan

For Respondent : C.Emalias,
Additional Public Prosecutor

O R D E R

This criminal original petition has been filed to transfer the case C.C.No.418 of 2008 from Mannargudi to Nagapattinam and to proceed the case without threat by the respondent.

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

3. C.Vijayakumar has initiated prosecution in CC.No.418 of 2008 before the Judicial Magistrate No.1, Mannarkudi against V.Bhaskar under Section 138 of the Negotiable Instruments Act

and the trial is pending . While so, V.Bhaskar is before this Court for transfer of the case on the ground that Vijayakumar is unnecessarily threatening him. Even, according to V.Bhaskar, Vijayakumar threatened him in Salavakkam, Kancheepuram. Therefore, he wants to transfer the case from Mannarkudi to Nagapattinam.

4. This Court is of the view that this is not a good reason to transfer the case from Mannarkudi to Nagapattinam. Hence this petition is dismissed. Consequently, connected miscellaneous petitions are closed.

5. However, since the case is pending from 2008, the trial Court is directed to complete the trial within three months from the date of receipt of a copy of this order. The petitioner shall appear before the trial Court within a period of two weeks from the date of receipt of a copy of this order and furnish a bond under Section 88 Cr.P.C. for a sum of Rs.10,000/- without sureties. The petitioner shall cross examine the witnesses on the same day they are examined-in-chief, as held by the Supreme Court in Vinoth Kumar vs. State of Punjab [2015(1) MLJ (Cr1) 288].

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1 The Judicial Magistrate -I,
Mannarkudi.

2 The Public Prosecutor,
High Court, Chennai 104.
+1c to Mr.S.Jayaseelan, Advocate, SR.No.69803

Cr1.O.P.No.25390 of 2016

SDR 27.12.2016