

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27..09..2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.O.P.No.3803 of 2016

and

M.P.No.9740 of 2016

Chandrakumar

... Petitioner

-Versus-

D.Jansi Rani

... Respondent

Prayer:- Criminal Original Petition filed under Section 407 of Cr.P.C. praying to transfer the case in S.T.C.No.107 of 2012 now pending on the file of the learned Judicial Magistrate, Fast Track Court, Hosur, to any one of the Metropolitan Magistrate Court at Chennai.

For Petitioner : Mr.K.Nagarajan

ORDER

This Original Petition has been filed seeking transfer of case in STC No.107 of 2012 from the file of the learned Magistrate, Fast Track Court, Hosur, to the file of any one of the Metropolitan Magistrate at Chennai.

2. Today, though miscellaneous petition alone has been listed for hearing, the learned counsel for the petitioner himself agreed to take up the original petition itself for hearing.

3. Heard the learned counsel for the petitioner and also perused the records carefully.

4. For the sake of convenience the parties in this matter will be referred to as the accused and the complainant respectively.

5. The complainant has lodged the prosecution in S.T.C.No.107 of 2012 before the Judicial Magistrate, Fast Track Court, Hosur for offence under Section 138 of the Negotiable Instruments Act against the accused. After the evidence on the side side of the complainant has been over, the case is now posted for examination of witnesses on the side of the defence. At this juncture, the accused has filed the present petition for transfer of the case on the ground that both the accused and the complainant are residing in Chennai and the transaction had also taken place in Chennai and that the accused had given the cheque of Syndicate

Bank, George Town Branch, Chennai.

6. Despite notice was served on the respondent, there was no appearance.

7. On a reading of the complaint it is seen that the bank of the complainant is Indian Overseas Bank, Hosur Branch and that the impugned cheque was presented by the complainant in said bank. In view of the recent amendment namely, Section 142-A of the Negotiable Instrument Act, the prosecution can be maintained only in Hosur where the bank of the complainant is located, unless, by mutual consent, the case is transferred out of the said court. Under such circumstances, this petition deserves only to be dismissed.

8. In the result, this original petition is dismissed, however, with a direction to the trial court to complete the trial within a period of three months from the date of receipt of a copy of this order. Consequently, connected MP is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

KMK

To

- 1.The Judicial Magistrate,
Fast Track Court, Hosur,
- 2.The Metropolitan Magistrate, Chennai,
- 3.Do-Thro'The Chief Metropolitan Magistrate,
Chennai.

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KK(CO)
RVR 24/10/2016

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