

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.4022 of 2016  
and Crl.M.P.Nos.2071 and 2072 of 2016

Ramakrishnan

.. Petitioner

Vs.

Vimala

.. Respondent

Prayer: Criminal Original Petition is filed under Section 407 of Cr.P.C., to withdraw and transfer of proceedings in C.C.No.65 of 2015 on the file of the learned District Munsif-cum-Judicial Magistrate, Denkanikottai, to the learned Judicial Magistrate No.VI, Coimbatore.

For Petitioner:Mr.R.Venugopal

O R D E R

This petition is filed to withdraw the proceedings in C.C.No.65 of 2015 on the file of the learned District Munsif-cum-Judicial Magistrate, Denkanikottai and transfer to the file of the learned Judicial Magistrate No.VI, Coimbatore.

2.Learned counsel for the petitioner submits that the petitioner is the accused and he is facing criminal proceedings under Section 138 of Negotiable Instruments Act. He further submits that the petitioner is residing in Coimbatore. Since the petitioner, who aged about 60 years, is a patient, he prays transfer of the proceedings from the Court at Denkanikottai, to the Court at Coimbatore.

3.Learned counsel for the petitioner is heard in length.

4.On perusal of the typed set of papers, it reveals that the respondent has filed a complaint against the petitioner under Section 138 of Negotiable Instruments Act stating that when the cheque issued by the petitioner was presented for encashment, it was returned as "funds insufficient". After issuance of statutory notice, the respondent has filed a complaint before the Court, which is having jurisdiction and it was taken as C.C.No.65 of 2015 on the file of the learned District Munsif-cum-Judicial Magistrate, Denkanikottai. Now the accused as a petitioner has come forward with this petition to

transfer C.C.No.65 of 2015 from the file of the learned District Munsif-cum-Judicial Magistrate, Denkanikottai, to the file of the learned Judicial Magistrate No.VI, Coimbatore.

5.It is further seen from the typed set of papers that the petitioner has filed a certificate, in which, it was stated that as a senior citizen, the petitioner is advised to avoid long travel. Except this, nothing has been mentioned in that certificate as to what ailment the petitioner has suffered. Under such circumstances, I do not find any merits in this petition. Hence, the Criminal Original Petition stands dismissed as devoid of merits.

The learned District Munsif-cum-Judicial Magistrate, Denkanikottai, is directed to dispose of C.C.No.65 of 2015 within a period of six months from the date of receipt of a copy of this order. Further, the learned Judge is directed to consider the application filed by the petitioner for dispense with his personal appearance. Consequently, connected Miscellaneous Petitions are closed.

kj

s/d-  
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

To

The District Munsif-cum-Judicial Magistrate,  
Denkanikottai.

+ 1 cc to Mr.R.Venugopal, Advocate Sr 12317 (29/3/16)

rsk(co)  
prk8/3

Cr1.O.P.No.4022 of 2016  
and Cr1.M.P.Nos.2071 and 2072 of 2016

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