

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2016

CORAM

THE HONOURABLE MS.JUSTICE R. MALA

CRL.O.P.No.6329 of 2016

and

Crl.M.P.No.3266 of 2016

1. Baskaran
2. M/s. B.V.Enterprises,
Rep. by its Proprietor,
Mr.Baskaran. ... Petitioners/Accused

.. Vs ..

N.Naresh .. Respondent/Complainant

Prayer:- Criminal Original Petition filed under Section 407 (2) of the Code of Criminal Procedure, praying to withdraw the case in C.C.No.1485 of 2014, on the file of the learned District Munsif-cum-Judicial Magistrate, Sriperumbudur, and transfer the same to the file of the learned Judicial Magistrate No.1, Kanchipuram, for fair and impartial enquiry.

For Petitioners : Mr.D.Ravichander

ORDER

The petitioners have come forward with the present petition seeking to withdraw the case in S.T.C.No.1485 of 2014, from the file of the learned District Munsif-cum-Judicial Magistrate, Sriperumbudur, and transfer the same to the file of the learned Judicial Magistrate No.1, Kancheepuram, for fair and impartial enquiry.

2. Learned counsel for the petitioners would submit that the petitioners are the accused in S.T.C.No.1485 of 2014 for an offence punishable under Section 138 of the Negotiable Instruments Act and they have already filed a petition in Crl.M.P.No.1661 of 2015 before the District Court No.II, Kancheepuram, seeking to transfer the criminal complaint in S.T.C.No.1485 of 2014 from the file of the learned District Munsif-cum-Judicial Magistrate, Sriperumbudur, to the file of any Judicial Magistrate, Kancheepuram, for fair and impartial enquiry and the said petition was dismissed by the learned

Sessions Judge, Sessions Court No.II, Kancheepuram. As against the said dismissal order, the petitioners have not preferred any revision, but they have filed the present petition seeking for the same relief which was sought for in Crl.M.P.No.1661 of 2015.

3. The case of the petitioners is that they have already convicted for the offence under Section 138 of the Negotiable Instruments Act in S.T.C.Nos.1253 and 1254 of 2014. It is the further case of the petitioners that the blood brother of the respondent/complainant is working as a Government Pleader in the Court of District Munsif-cum-Judicial Magistrate, Sriperumbudur.

4. The learned Sessions judge, Sessions Court No.II, Kancheepuram, correctly came to the conclusion that own brother of the respondent/complainant was working as a Government Pleader and the same will not be a reason for transferring the case. Hence this Petition deserves to be dismissed and accordingly, this Criminal Original Petition is dismissed. The learned District Munsif-cum-Judicial Magistratem Sriperumbudur, is directed to dispose of the case in S.T.C.No.1485 of 2014, within a period of three months from the date of receipt of copy of this order. Consequently, the connected miscellaneous petition is closed.

Jrl

s/d-

Assistant Registrar(AS)

True Copy

Sub-Assistant Registrar

To

1. The District Munsif-cum-Judicial Magistrate, Sriperumbudur.
2. The Judicial Magistrate I, Kanchipuram.
3. The Public prosecutor, High Court, Madras.

+ 1 cc to Mr.D.Ravichandran, Advocate SR 18768

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prk5/4

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