



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.12.2016

CORAM

THE HON'BLE MR.JUSTICE G.CHOCKALINGAM

Crl.O.P.(MD)No.22043 of 2016

and

Crl.M.P(MD)No.11383 of 2016

S.Subramaniam

: Petitioner/Accused

-vs-

M/s.Sathiyam Diamond,
rep. by its Partner,
V.S.Mahalingam.

: Respondent/Complainant

Prayer : Criminal Original Petition filed under Section 407 of the Code of Criminal Procedure, to withdraw and pass an order of direction to transfer the C.C.No.206 of 2016 pending on the file of the learned Fast Track Court (Magistrate Level), Karur, to any of the same jurisdictional Court in Madurai, for trial.

For Petitioners :Mr.R.Sevugaraja

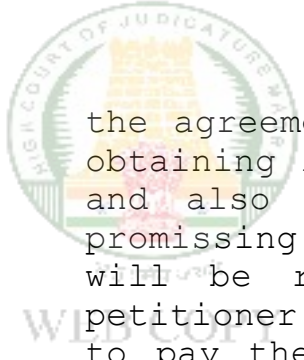
For Respondent :Mr.A.P.Balasubramani
Government Advocate (Criminal side)

O R D E R

This petition has been filed to transfer the C.C.No.206 of 2016 pending on the file of the Fast Track Court (Magistrate Level), Karur, to any of the same jurisdictional Court in Madurai, for trial.

2.The case of the prosecution is that the petitioner borrowed a sum of Rs.4,00,000/- for his urgent need and agreed to repay the same with interest, for which, he issued a post-dated cheque and when the same was presented for collection, it was returned with a memo stating the reason "FUNDS INSUFFICIENT.

3.The learned counsel appearing for the petitioner would submit that the petitioner has approached the respondent through one broker named D.S.Senthilvel to get a car loan and availed a car loan of Rs.4,00,000/- and entered into an agreement and as per



the agreement, initially he paid Rs.1,00,000/- and at the time of obtaining loan, the respondent obtained signed in unfilled cheques and also promotes and signatures in serveral blank papers by promissing that after completion of the loan, all the documents will be returned and thereafter, due to his ill-health, the petitioner failed to concentrate in the business and also default to pay the loan amount and thereafter, for the arrears due, the respondent illegally taken the vehicle of the petitioner by stating that he closed the loan account adjusting the sale price of the vehicle and thereafter, preferred a complaint under the Negotiable Instruments and the same is pending in C.C.No.206 of 2016 on the file of the Fast Track Court, (Magistrate Level), Karur.

4.It is further submitted that initially the case was filed the case in STC No.361 of 2015 on the file of the Fast Track Court No.1 (Magistrate Level), Madurai and thereafter, due to the circular issued in ROC No.1406/A/2006/G3, dated 28.08.2015, the case was transferred to the Fast Track Court, Karur and that since, the petitioner has been affected with sugar, he has approached this court seeking transfer of the case in C.C.No.206 of 2016 from Karur to Madurai.

5.Per contra, the learned counsel appearing for the respondent would submit that the allegations stated in the petition are false and this petition is filed only to drag on the proceedings. Hence, he prayed for the dismissal of the petition.

6.Heard both sides and perused the materials available on record.

7.According to the petitioner, he is a sugar patient and hence, he could not able to attend the court at Karur. Except the above reason, no other valid reasons are given to transfer the case to Madurai. In view of the above circumstances, this court is of the considered view that the present petition is filed only to drag on the proceedings and therefore, the relief sought for by the petitioner cannot be granted.

8.In the result, this petition is dismissed with a direction to the Fast Track Court (Magistrate Level), Karur, to dispose of the case in C.C.No.206 of 2016, purely on merits and in accordance with law, within a period of eight weeks from the date of receipt of the order copy. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CO)



To,

The Fast Track Court (Magistrial Level), Karur

WEB COPY

+1cc to Mr.R.Mathiyalagan, Advocate Sr.No.83325

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vb/sv/mms/sar4/28.04.2017/3p/3c

Cr1.O.P. (MD) No.22043 of 2016
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