



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2016

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THE HONOURABLE MR. JUSTICE P.N.PRAKASH

CrI.OP(MD) No.6731 of 2016

and

CrI.M.P.(MD)No.3384 of 2016

S.Seenivasan

..Petitioner

Vs

Balamurugan

.. Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to withdraw the case in C.C.No.80 of 2014 on the file of the Fast Track Court No.1, Madurai and transfer the same to the Judicial Magistrate, Fast Track Court (Magisterial Level), Kovilpatti.

For Petitioner

:Mr.S.Ramasamy

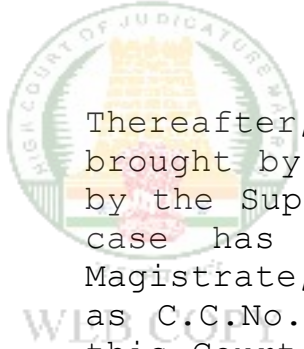
O R D E R

This petition has been filed to withdraw the case in C.C.No.80 of 2014 on the file of the Fast Track Court No.1, Madurai and transfer the same to the Judicial Magistrate, Fast Track Court (Magisterial Level), Kovilpatti.

2. Heard the learned counsel for the petitioner.

3. For the sake of convenience, the parties will be referred to as complainant and accused. The complainant initiated prosecution in C.C.No.80 of 2014 against the accused for offence under Section 138 of Negotiable Instruments Act before the Fast Track Court No.I, Madurai and the same was taken on file in S.T.C.No.477 of 2014.

4. Pursuant to the judgment of the Honourable Supreme Court, in ***Dashrth Rupsingh Rathod Vs. State of Maharashtra*** reported in **(2014) 9 SCC 129**, the case was transferred from the file of the learned Judicial Magistrate No.I, Fast Track Court, Madurai to the file of the learned Judicial Magistrate, Fast Track Court, Kovilpatti and renumbered as C.C.No.80 of 2014.



Thereafter, an amendment to the Negotiable Instruments Act was brought by the Parliament, on account of which, the law laid down by the Supreme Court was set as naught. On account of which, the case has now been transferred to the file of the Judicial Magistrate, Fast Track Court No.1, Madurai and has been renumbered as C.C.No.80 of 2014. Challenging which, the accused is before this Court.

5. The learned Counsel for the petitioner vehemently submitted that the said transfer is illegal.

6. In the considered opinion of this Court, the amendment brought by the Parliament to the Negotiable Instruments Act, gives jurisdiction for the learned Judicial Magistrate No.1, Madurai (Fast Track Court, Madurai) where the complainant's bank is situated to try the case. Hence there is no infirmity in the transfer of the case from the learned Judicial Magistrate, Kovilpatti to the file of the learned Judicial Magistrate No.I, Madurai.

7. In the result this Criminal Original Petition is devoid of merits and the same is dismissed. Consequently, the connected Miscellaneous Petition is also dismissed.

Sd/-
Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

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To

1. The Fast Track Court No.1, Madurai.

2. The Judicial Magistrate,
Fast Track Court (Magisterial Level),
Kovilpatti.

+1CC to Mr.S.Ramasamyh Advocate Sr.No.23563

GJM/MP/11.5.16-2p-4C

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