



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 21.06.2016

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

Crl.O.P.(MD).No.8417 of 2016
and Crl.M.P.(MD) No.4104 of 2016

T.Thangaraj

... Petitioner

-vs-

1. State represented by
The Inspector of Police,
District Crime Branch,
Erode District.
(Crime No.4/2013)

2. Chelladurai

... Respondents

Prayer: Petition filed under Section 407 of the Code of Criminal Procedure to order to withdraw the case in S.T.C.No.260 of 2012 on the file of the Fast Track Judicial Magistrate Court, Thanjavur and transfer the same to Hon'ble Chief Judicial Magistrate Erode.

For Petitioner: Mr.R.Rajaraman
For R1 : Mr.A.P.Balasubramani
Govt. Advocate (Crl.Side)
For R2 : Mr.N.Shanmuga Selvam

ORDER

This petition has been filed, seeking to transfer the case in S.T.C.No.260 of 2012 pending on the file of the Fast Track Judicial Magistrate Court, Thanjavur to the learned Chief Judicial Magistrate Court, Erode.

2. Heard the learned counsel for the petitioner, learned counsel for the intervenor and the learned Government Advocate (Crl.Side) for the respondents.

Brief Facts:

3. The complainant/petitioner initiated proceedings under Sections 138 of Negotiable Instruments Act for the default committed by the 2nd respondent in not repaying the amount, namely, Rs.15,00,000/-; that the cheque issued by the 2nd respondent, when presented, got returned with an endorsement "cheque stopped"; that the petitioner also received a reply from the 2nd respondent on 15.10.2012 and that thereafter, the petitioner filed a complaint



under Section 138 of N.I. Act, which was taken on file in STC No.260 of 2012 on the file of the Fast Track Judicial Magistrate, Thanjavur.

3a. While that being the case, the 2nd respondent, with the malafide intention, preferred a complaint with the District Crime Branch, Erode and pursuant thereto, a case was also registered in Crime No.4 of 2013 on 18.02.2013 against the petitioner herein. In the meanwhile, the petitioner has approached this Court with the above relief.

4. When the matter is taken up for hearing, learned counsel appearing on behalf of the Intervenor has submitted that the Intervenor / 2nd respondent has no objection for transfer of the case in S.T.C.No.260 of 2012 pending on the file of the Fast Track Judicial Magistrate Court, Thanjavur to the learned Chief Judicial Magistrate Court, Erode.

5. Under such circumstances, this Criminal Original Petition is allowed and the case in in S.T.C.No.260 of 2012 pending on the file of the Fast Track Judicial Magistrate Court, Thanjavur is ordered to be transferred to the file of the learned Chief Judicial Magistrate Court, Erode. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

To:

1. The Chief Judicial Magistrate, Erode.
2. The Fast Track Judicial Magistrate Court, Thanjavur.
3. The Inspector of Police, District Crime Branch, Erode District.
4. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

+ 1 CC TO MR.R.RAJARAMAN, ADVOCATE IN SR No. 31783

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TE/DB/ : 13/07/2016 : 2P/6C