



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.O.P.(MD) No.14367 of 2013

and

M.P.(MD)Nos.1 and 2 of 2013

S.A.Mahendra Babu

... Petitioner

vs.

L.Jeyaseelan

... Respondent

PRAYER: This petition is preferred under Section 407 Cr.P.C., to withdraw the case in C.C.NO.92 of 2012 on the file of the Judicial Magistrate at Manamadurai and transfer to Kodaikkanal Judicial Magistrate at Dindigul District.

For Petitioner : Mr.S.Chellapandian

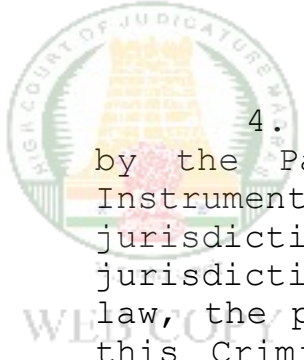
For Respondent : Mr.C.Muthu Saravanan

O R D E R

This petition has been filed to withdraw the case in C.C.NO.92 of 2012 on the file of the Judicial Magistrate at Manamadurai and transfer to Kodaikkanal Judicial Magistrate at Dindigul District.

2. Heard the learned Counsel for the petitioner and the learned Counsel appearing for the respondent.

3. For the sake of convenience, the parties are referred to as complainant and the accused. It is the case of the complainant that the accused had borrowed money from him and issued a cheque for Rs.7.5Lakhs, which was presented by the complainant in his Bank at Manamadurai. The said cheque was dishonoured for insufficiency of funds and the complainant issued a statutory notice under Section 138 of Negotiable Instruments Act to the accused and thereafter he has filed the prosecution in C.C.NO.92 of 2012 before the Judicial Magistrate, Manamadurai. The accused has filed this petition for transfer of C.C.No.92 of 2012 from the Court of Judicial Magistrate, Manamadurai to any other Court in Kodaikal on the ground that the entire transaction has been taken place at Kodaikkanal. The accused is in Kodaikkanal and the bank of the accused is in Kodaikkanal.



4. The question of jurisdiction has been completely settled by the Parliament by the recent amendment to the Negotiable Instruments Act, by which the Magistrate, in whose territorial jurisdiction the bank of the complainant is located, gets jurisdiction to try the offence. In view of the developments in law, the prosecution cannot be transferred as prayed for. Hence, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petitions are also dismissed.

Sd/-
Assistant Registrar

/True Copy/

Sub-Assistant Registrar

To

The Judicial Magistrate, Manamadurai.

Ssl
RL/2C/2P/SKS/RR/5/4/2016

Cr1.O.P. (MD) No.14367 of 2013
28/03/2016