

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2017

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Crl.O.P.No.6758 of 2017

and

Crl.MP Nos.4947 and 4948 of 2017

1.M/s.J.K.Exports
a partnership firm
rep. By its Partners
Kalaivani Ramasami
2.Kalaivani Ramasami
3.Malliga Jaimurugan ... Petitioners
Vs
M/s.Santhan International
rep. by its Managing Director
K.Kaliammal ... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to withdraw STC No.28 of 2016 on the file of the Judicial Magistrate Court-II, Hosur and transfer the same to the Judicial Magistrate Court at Thiruvannamalai or to the Judicial Magistrate Court at Athur, Salem District.

For Petitioners:Mr.G.Desingu

For Respondent :M/s.Sai Bharath Ilan Associates

ORDER

This Criminal Original Petition has been filed to withdraw STC No.28 of 2016 pending on the file of the Judicial Magistrate Court-II, Hosur and transfer the same to the Judicial Magistrate Court at Thiruvannamalai or the Judicial Magistrate Court at Athur, Salem District.

2. The case of the petitioners is that they are facing trial for the offence punishable under Section 138 of the Negotiable Instruments Act in STC No.28 of 2016 on the file of the learned Judicial Magistrate No.II, Hosur, Krishnagiri District. It is the grievance of the petitioners that the second petitioner is aged about 61 years and is having lot of ailments. The third petitioner, who is the daughter-in-law of the second petitioner, is undergoing treatment for Intrauterine Insemination for fertilization and she has been advised not to travel. Further, the petitioners 2 and 3 are ladies and they find it very difficult to attend the court proceedings by travelling from Kallakurichi to Hosur for every hearing. Therefore, the petitioners sought for transfer of the proceedings from the file of the Judicial Magistrate No.II, Hosur to the Judicial Magistrate Court at Thiruvannamalai or Athur, Salem District.

3.Learned counsel for the petitioner submitted that the petitioners being the ladies, find it difficult to attend the court proceedings at Hosur and hence, they sought for transfer of the case to the file of the Judicial Magistrate Court at Thiruvannamalai or Athur, Salem District. Learned counsel further submitted that in order to show their bona fide, the petitioners have drawn a Demand Draft for a sum of Rs.5,00,000/- bearing No.015728 in favour of the respondent/complainant.

4.Learned counsel for the respondent/complainant has no objection in transferring the case as requested by the petitioners.

5.Considering the facts and circumstances of the case and taking note of the no objection expressed by the learned counsel for the respondent, this Court is inclined to transfer the proceedings as sought for by the petitioner. Accordingly, the case in STC No.28/2016 pending on the file of the learned Judicial Magistrate No.II, Hosur is withdrawn and is transferred to the file of the learned Judicial Magistrate No.I, Salem. On production of the D.D.No.015728 for a sum of Rs.5,00,000/- in favour of the respondent herein by the petitioners herein, the learned Judicial Magistrate No.I, Salem is directed to deposit the same in a separate account and dispose of the case in STC No.28 of 2016 on merits and in accordance with law, as expeditiously as possible, preferably, within a period of four months from the date of receipt of the case papers from the Judicial Magistrate Court No.II, Hosur.

6.This Criminal Original Petition is disposed of as indicated above. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate No.II, Hosur.

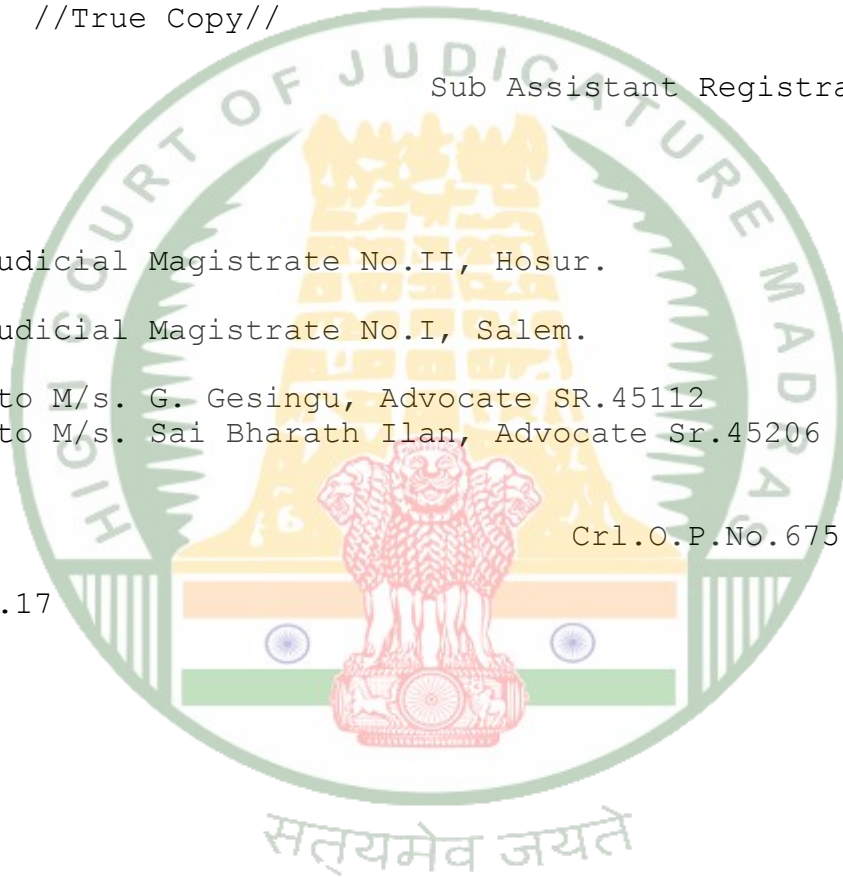
2.The Judicial Magistrate No.I, Salem.

+ 1 cc to M/s. G. Gesingu, Advocate SR.45112

+ 1 cc to M/s. Sai Bharath Ilan, Advocate Sr.45206

Cr1.O.P.No.6758 of 2017

SS(CO)
EU 26.7.17



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