

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.10.2017

CORAM:  
THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.R.C.No.189 of 2012  
and M.P.No.1 of 2012

R.Muralidaran

... Petitioner/ Complainant

//vs//

G.Sundararajan

... Respondent/ Accused

Prayer : Criminal Revision filed under sections 397 read with 401 of Criminal Procedure Code to call for the records and set aside the order passed in C.M.P.No.1001/11 in S.T.C.No.433/2011 by learned Chief Judicial Magistrate, Cuddalore District order dated 28.11.2011.

For Petitioner : Mr.V.Jaisankar  
For Respondent : No Appearance

O R D E R

Challenging the order allowing the petition filed by the respondent to transfer the case from Judicial Magistrate No.III, Cuddalore to Judicial Magistrate No.I, Cuddalore, the present revision has been filed.

2. I have heard Mr. V.Jaisankar, learned counsel appearing for the petitioner. Even though notice was served on the respondent and his name was printed in the cause list, none appeared for the respondent.

3. The learned counsel for the petitioner submitted that he has filed a complaint under Sections 138 of the Negotiable Instruments Act on the file of Judicial Magistrate No.III, Cuddalore. Apprehending that he will not get justice in the hands of the presiding officer in the above Court, and by levelling some allegations against the presiding officer, the respondent/accused filed an application to transfer the case from the Judicial Magistrate No.III, Cuddalore to some other Court. Even though the Court below not satisfied with the reason for transfer, allowed the application in the interest of justice. Now challenging the above said order, the petitioner/complainant had filed the present revision

petition.

4. Today when the matter is taken up for hearing, the learned counsel appearing for the petitioner has submitted that the respondent/accused sought for transfer only on some apprehension against the presiding officer. Now the Presiding Officer has been transferred and new incumbent has come to that post.

5. Considering the above circumstances, and since the previous presiding officer himself is not holding the post of Judicial Magistrate No.III, Cuddalore, the apprehension of the respondent have exhausted, as of now there is no necessity to transfer the complaint from Judicial Magistrate No.III, Cuddalore.

6. In the result, the Criminal Revision Case is allowed and order passed by the Chief Judicial Magistrate, Cuddalore in C.M.P.No.1001 of 2011 in S.T.C.No.433 of 2011 dated 28.11.2011 is set aside. However, since the matter is pending from the year 2011, the Judicial Magistrate No.III, Cuddalore, is directed to proceed with the trial and dispose of the same within a period of three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

Sd/-  
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

dh/mrp

To

1.The Chief Judicial Magistrate,  
Cuddalore District.

2.The Judicial Magistrate Court No.III,  
Cuddalore.

3. The Judicial Magistrate No.I, Cuddalore.

+1cc to Mr.V.Jayaprakash Narayanan, Advocate, sr.no.72223

Cr1.R.C.No.189 of 2012

VGII  
RRK(28/05/18)