

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.04.2017

CORAM

THE HON'BLE MR. JUSTICE M.V.MURALIDARAN

Crl.O.P.Nos.28561 and 28562 of 2011
and
M.P.Nos.1 and 1 of 2011

G.Rajagopal

.. Petitioner in both the Crl.OPs

vs

Subha Shree Finance Corporation,
a Regd. Partnership Firm, Rep. by its Partner,
Ramachandran S/o Late Subramaniya Mudaliar,
No.18/19, RNR Arcade (1st Floor),
Katpadi Road, Vellore - 632 004.

.. Respondent in both the Crl.OPs

Common Prayer: Criminal Original Petitions filed under Section 407 of Code of Criminal Procedure, to transfer C.C.Nos.319 and 320 of 2007 on the file of Judicial Magistrate No.IV, Vellore to Judicial Magistrate Court at Tirupattur.

(In both the
Crl.OPs)

: Mr.D.Rajagopal

For Petitioner

For Respondent

: Mr.S.Gunalan

COMMON ORDER

Both the Criminal Original Petitions are being filed by the same petitioner who is an accused in C.C.No.319 and 320 of 2007 on the file of learned Judicial Magistrate Court No.IV, Vellore, filed by the respondent Finance Corporation namely Subhashree Finance Corporation.

2.The record reveals that the respondent Finance Corporation as complainant has filed the above complaints in C.C.Nos.319 and 320 of 2007 under Sections 138 and 142 of N.I. Act as against the petitioner claiming the cheques issued by the petitioner were returned unpaid, which were issued by petitioner towards his liability.

3.The petitioner by way of these petitions seeks this Court to invoke its inherent power under Section 482 of Cr.P.C. to transfer the above two cases from the file of learned Judicial Magistrate No.IV, Vellore to learned Judicial Magistrate Court, Tiruppathur on medical grounds, where the petitioner herein reside.

4.According to the petitioner due to the old age he suffers out of multiple physical ailments besides being a sugar patient. Therefore he seeks transfer of above cases to Tiruppathur where he dwells.

5.I heard Mr.D.Rajagopal, learned counsel for the petitioner and Mr.S.Gunalan, learned counsel for the respondent in both the Criminal Original Petitions and perused the entire materials available on record.

6.This Court is certainly not inclined at the prayer of seeking transfer on medical ground citing age as a factor. In actual if such leniency is given then it will open Pandora box which may in near future cause the parties at their wish to prolong the criminal cases indefinitely by citing Self invented medical ailments taking advantage of their age factor.

7.More so, the application on hand is found to be a protracting technique to prolong the cases which is liable to be deprecated. Accordingly, I did not find any merit in these petitions and the same are liable to be dismissed.

8.In the result, both the Criminal Original Petitions are dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Deputy Registrar

//True Copy//

vs
To

Sub Assistant Registrar

1.The Judicial Magistrate No.IV, Vellore.

2.The Judicial Magistrate, Tirupattur.

CrI.O.P.Nos.28561 & 28562 of 2011
and

ssm(11/01/2019)

M.P.Nos.1 and 1 of 2011