

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2017

CORAM

THE HONOURABLE THIRU JUSTICE N. AUTHINATHAN

Cr1.O.P.No.12655 of 2010
and M.P.Nos.1 and 2 of 2010

K.B. Shankar

... Petitioner/Accused

vs

A. Velu

... Respondent/Complainant

Criminal Original Petition filed under Sec.407 Cr.P.C to transfer the case in C.C.No.81 of 2009 pending on the file of learned Judicial Magistrate No.I, Walajahpet, Vellore District to the learned IX Metropolitan Magistrate, Chennai.

For Petitioner : Mr.G. Saravanan for
Mr.D.Krishnaraj

ORDER

The petitioner has filed the present petition to transfer the case in C.C.No.81 of 2009 pending on the file of learned Judicial Magistrate No.I, Walajahpet, Vellore District to the learned IX Metropolitan Magistrate, Chennai.

2. The petitioner is the sole accused in C.C.No.81 of 2009 on the file of Judicial Magistrate No.I, Walajahpet. It is a private complaint for the offence punishable under Sec.138 of Negotiable Instruments Act.

3. Heard the learned counsel for the petitioner. He would submit that the cheque, in question, was not issued in favour of the respondent and the petitioner has lodged a complaint that he has lost the cheque and it is pending on the file of J.6, Thiruvanniyur Police Station, Chennai and therefore, the case is to be transferred to the file of IX Metropolitan Magistrate, Chennai .

4. I have perused the materials available on record

carefully. The case is of the year 2009 and it is for the offence under Sec.138 of Negotiable Instruments Act. The petitioner has contended that the cheque, in question, was stolen at Chennai and the statutory notice was served on him at Chennai and therefore, the case is liable to be transferred from the file of Judicial Magistrate No.I, Walajahpet to the file of IX Metropolitan Magistrate, Chennai. It is not said that the IX Metropolitan Magistrate, Chennai has taken cognizance of the case of the petitioner for the offence punishable under Secs.420 and 511 IPC. The allegation made in the complaint of the respondent would show that the cheque, in question, has been deposited for realisation with his banker viz., Indian Bank, Ocheri village, situated within the jurisdiction of Judicial Magistrate No.I, Walajahpet. It is not the case of the petitioner that the learned Judicial Magistrate No.I, Walajahpet has no jurisdiction to take the complaint on file. In these circumstances, this Court is of the view that the petitioner has not made out a case for transfer of the case in C.C.No.81 of 2009, pending on the file of learned Judicial Magistrate No.I, Walajahpet, Vellore District to the learned IX Metropolitan Magistrate, Chennai.. Hence the petition is dismissed. Consequently, connected MPs are closed.

sd/
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

sr

To

1. The Judicial Magistrate No.I, Walajahpet, Vellore District
- 2.The IX Metropolitan Magistrate, Chennai.
- 3.Do-Thro Chief Judicial Magistrate,
Vellore District.

CrI.O.P.No.12655 of 2010

EV(CO)
GN(01/02/2017)