



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2017

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THE HON'BLE MR.JUSTICE G.CHOCKALINGAM

CrI.O.P.(MD) No.1035 of 2017

K.Gokul Murugesan

: Petitioner

-vs-

Elizabeth Mary

: Respondent

Prayer : Criminal Original Petition filed under Section 407 of Cr.P.C., to transfer the private complaint in S.T.C.No.96 of 2016 on the file of the Fast Track Court (Magistrate Level), Thanjavur to Judicial Magistrate Court, Manapparai for trial.

For Petitioner

: Mr.K.Kumaravel

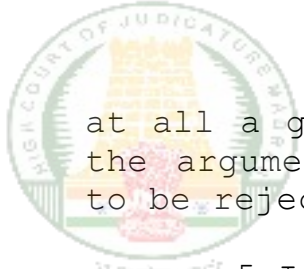
O R D E R

This petition has been filed, seeking to transfer the private complaint in S.T.C.No.96 of 2016 on the file of the Fast Track Court (Magistrate Level), Thanjavur to Judicial Magistrate Court, Manapparai, for trial.

2.The learned counsel appearing for the petitioner would submit that the petitioner is a practising advocate in Thanjavur and he cannot stand before the courts at Thanjavur and that the respondent is residing at Manapparai and without filing the private complaint at Manapparai, the private complaint was filed before the Judicial Magistrate No.II, Thanjavur in STC No.438 of 2015 and subsequently, the case was transferred to Fast Track Court (Magistrate Level), Thanjavur and renumbered as STC No.96 of 2016 and it is pending for trial. Hence, he prayed that the case in STC No.96 of 2016 has to be transferred to Judicial Magistrate, Manapparai, for trial.

3.Heard the learned counsel appearing for the petitioner and perused the materials available on record.

4.It is seen from the records that admittedly, the case is pending before the Fast Track Court (Magistrate Level), Thanjavur, which was filed under Sections 138 and 142 of the Negotiable Instruments Act. The main contention of the petitioner is that the petitioner is a practising advocate in Thanjavur and hence, he is not able to stand before the court at Thanjavur. Except the above ground, on the side of the petitioner, no other valid grounds were taken to transfer the case. Hence, this court is of the considered view that the reasons stated by the petitioner is not



at all a ground to transfer the case to some other courts. Hence, the argument of the learned counsel for the petitioner is liable to be rejected and accordingly, it is rejected.

5. In the result, this petition is dismissed with a direction to the Judicial Magistrate (Fast Track), Thanjavur, to post the case in STC No.96 of 2016 on day today basis and dispose of the same, purely on merits and in accordance with law, within a period of three weeks from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar(p&a)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate,
Fast Track Court(Magistrate Level)
Thanjavur.

2. Do-Through The Chief Judicial Magistrate,
Thanjavur.

+1cc to Mr.K.Kumaravel, Advocate, SR No.12479

Crl.O.P.(MD) No.1035 of 2017
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