

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 24.08.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR**CRL.O.P. (MD)No.11181 of 2017 and
CRL.M.P. (MD)Nos.7687 & 7688 of 2017**

D.Wilfred @ Kutappan

... Petitioner

-Vs-

Muthu Kumar

... Respondent

PRAYER: Criminal Original petition is filed under Section 407 r/w 482 of Criminal Procedure Code, to transfer the case of the petitioner in C.C.No.543 of 2012 on the file of the learned Judicial Magistrate No.II(Fast Track Court), Nagercoil, to Judicial Magistrate Court, Valliyoor.

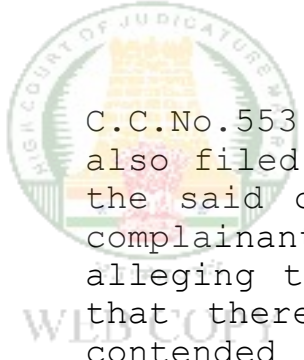
For Petitioner : Mr.S.C.Herold Singh

O R D E R

This Criminal Original petition is filed to transfer the case of the petitioner in C.C.No.543 of 2012 on the file of the learned Judicial Magistrate No.II(Fast Track Court), Nagercoil, to the Judicial Magistrate Court, Valliyoor.

2. Heard the learned counsel appearing for the petitioner.

3. It is the case of the petitioner that the petitioner is doing transport and tourist business. It is further stated that in connection with the purchase of a vehicle, the petitioner gave two unfilled blank cheques to one Austin and that the loan was settled long back. It is further submitted that the said Austin did not return the Cheques, despite repeated requests from the petitioner. It is further stated that when the petitioner approached the said Austin for return of the Cheques, he did not give him the Cheques on the ground that the said Cheques were misplaced. However, it is alleged that the petitioner received notice from third parties for dishonour of the cheques and a case was registered in C.C.No.99 of 2009 before the learned Judicial Magistrate No.II, Nagercoil which was now pending before the learned Judicial Magistrate No.II, (Fast Track Court), Nagercoil in



C.C.No.553 of 2012. It is also stated that yet another case was also filed in C.C.No.1016 of 2012 in respect of another Cheque and the said case was closed, as the Cheque was handed over to the complainant in that case only by the said Austin. However, alleging that the petitioner was attacked by the said Austin and that there is a threat to the life of the petitioner it is contended that the case may be transferred to the Judicial Magistrate Court, Valliyoor.

4. The reasons stated by the petitioner for transfer is not supported by any material. The petitioner will be given adequate police protection, in case the petitioner substantiates the case, based on the threat caused by the said Austin. There is no allegation against the Preceding Officer or any other person so that the petitioner can apprehend or doubt about the disposal of the criminal case in a fair manner. In the said circumstances, the Criminal Original petition is dismissed.

5. The learned counsel for the petitioner requested this Court to dispense with the presence of the petitioner.

6. Considering the nature of grievance expressed by the petitioner, the personal appearance of the petitioner is dispensed with, unless or otherwise it is specifically required by an order of Court. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.II(Fast Track Court),
Nagercoil.
2. The Judicial Magistrate,
Valliyoor.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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