



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2017

CORAM:

THE HON'BLE MR.JUSTICE G.CHOCKALINGAM

Crl.O.P.(MD)No.12545 of 2016

and

Crl.M.P(MD)No.5903 of 2016

T.R.Jeyaraman

: Petitioner

Vs.

Boominathan

: Respondent

Prayer: This petition is filed under Section 407 of Cr.P.C, to withdraw C.A.No.9 of 2016 from the file of the Additional District Mahila Court, Sivagangai and to transfer the same to any other equivalent District Court in other District.

For Petitioner

: Mr.K.Gokul

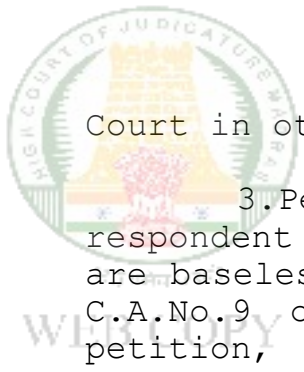
For Respondent

: Mr.V.S.Kumara Guru

O R D E R

This petition is filed to withdraw the case in C.A.No.9 of 2016 from the file of the Additional District Mahila Court, Sivagangai and transfer the same to any other equivalent District Court in other Districts.

2.The learned counsel appearing for the petitioner would contend that the respondent preferred a complaint under Section 138 of Negotiable Instruments Act, for the dishonour of the cheque issued by the petitioner for a sum of Rs.8,00,000/- and it was taken on file in C.C.No.1 of 2010 on the file of the Judicial Magistrate No.1, Sivagangai and that the trial court convicted the petitioner and sentenced one year rigorous imprisonment and to pay the cheque amount of Rs.8,00,000/- as compensation within a period of two months and against which, the petitioner preferred appeal in C.A.No.9 of 2016 on the file of the District Judge, Sivagangai and it was transferred to the Additional Mahila District Court, Sivagangai and in that case, summon was served and the respondent also appeared and that on 14.07.2016, when he returned home after attending the court, at the instigation of the respondent, the petitioner was attacked by some persons and the petitioner admitted in the Government Rajaji Hospital and took treatment and after that, gave a complaint before the Inspector of Police, Sivagangai Town Police Station, on 16.07.2016 and that after receiving the complaint, the police official failed to take effective action. Hence, he has come forward with the present petition seeking for transfer of the case in C.A.No.9 of 2016 from the file of the Additional District Mahila Court, Sivagangai to any other District



Court in other Districts.

3. Per contra, the learned counsel appearing for the respondent would contend that the allegations made by the petitioner are baseless and this petition is filed only to drag on the case in C.A.No.9 of 2016. Hence, he prays for the dismissal of the petition,

4. Heard both sides and perused the materials available on record.

5. It is seen from the records that the petitioner was convicted by the Judicial Magistrate No.1, Sivagangai, in connection with a case in C.C.No.1 of 2010 and he was awarded conviction for one year R/I and to pay the cheque amount of Rs.8,00,000/-. But the petitioner has not deposited any amount before the trial court or the appellate court.

6. Further, in this case, the petitioner has not taken any steps to register a case against the respondent for the injuries sustained by him. Hence, this court is of the considered view that the petition filed by the petitioner to transfer the case in C.A.No.9 of 2016 has no merit and the relief sought for by the petitioner cannot be granted.

7. In the result, this petition is **dismissed** with a direction to the Additional District Mahila Court, Sivagangai, to dispose of the case in C.A.No.9 of 2016, 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 and report the same to the Registry without fail. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To,

The Additional District Mahila Court,
Sivagangai.

+1 cc to Mr. V.S.KUMARAGURU, ADVOCATE, SR NO.7562

er

MAS/CM-MSA:22.02.2017:2P/3C

CrI.O.P. (MD) No.12545 of 2016
10.02.2017