



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2017

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

CRL.OP.(MD)No.17414 of 2017 and
CRL.MP.(MD) No.11428 of 2017

Baskaran

... Petitioner/Respondent

Vs.

Balasundaram

... Respondent/Petitioner

PRAYER: Criminal Original petition is filed under Section 407 of Code of Criminal Procedure, to withdraw and transfer the case in S.T.C.No.325 of 2015 on the file of the Judicial Magistrate Court, Ambasamuthram, Tirunelveli District to any of the Judicial Magistrate Court at Madurai.

For Petitioner

: Mr. N.Balakrishnan

ORDER

This Criminal Original Petition is filed to withdraw and transfer the case in S.T.C.No.325 of 2015 on the file of the Judicial Magistrate Court, Ambasamuthram, Tirunelveli District, to any other Judicial Magistrate Court, Madurai.

2. Heard the learned counsel appearing for the petitioner.

3. The petitioner is the respondent in the criminal proceedings in S.T.C.No.325 of 2015 on the file of the learned Judicial Magistrate, Ambasamuthram, Tirunelveli District, which was filed under Sections 138 and 142 of Negotiable Instruments Act.

4. It is submitted by the learned counsel for the petitioner that the petitioner went to Court on 24.11.2017, to attend the hearing, but the concerned Magistrate was on leave and that therefore he was standing in the Court premises. At that time the respondent came at 10.40 a.m., and scolded in filthy language and threatened the petitioner to kill him. In this regard, the petitioner has also given a representation on 24.11.2017 itself to the Inspector of Police, Ambasamudram Police Station, Ambasamuthram.



5. Except the allegation that the petitioner was threatened by the respondent, no other legal ground is made in this petition to transfer the proceedings. Even in the representation, it is stated that the respondent told the petitioner that he will do away the petitioner as he has cheated the respondent's money. This Court assume that cheating is true. This Court has failed to understand as to how transfer of the proceedings from the file of the learned Judicial Magistrate, Ambasamuthram, Tirunelveli to any of the Judicial Magistrate Court, Madurai, would serve any purpose. In that view of the matter, this Court is unable to accept the reason given by the petitioner as genuine to transfer the proceedings and co-operate for speedy disposal.

6. Hence, the Criminal Original petition is dismissed.

7. The learned counsel for the petitioner however seeks indulgence of this Court to dispense with the appearance of the petitioner. The learned counsel for the petitioner further undertakes that the petitioner will make his appearance as and when his appearance is required for trial and cooperate for speedy disposal.

8. Considering the facts and circumstances of this case, the petitioner's presence is dispensed with, unless or until his appearance is specifically required by an order of Court. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate,
Ambasamuthram, Tirunelveli District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 cc TO Mr.N.Balakrishnan , Advocate in SR No. 93556

pmu

AE/MR/SAR4/22.01.2018/2P/4C

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