



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2017

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WEB COPY

THE HON'BLE MR.JUSTICE P.N.PRAKASH

**Crl.O.P. (MD) No.15262 of 2016 and
Crl.MP(MD) Nos.7161 & 7162 of 2016**

K.Gokul Murugesan

... Petitioner/Sole Accused

-vs-

Elizabeth Mary

... Respondent/Complainant

Prayer: Petition filed under Section 482 of Code of Criminal Procedure to call for the records pertaining to the case in S.T.C.No.438 of 2015 on the file of the Judicial Magistrate No.II, Thanjavur and quash the same.

For Petitioner : Mr.K.Kumaravel
For Respondent : Mr.S.Ravi

O R D E R

This petition has been filed to call for the records pertaining to the case in S.T.C.No.438 of 2015 on the file of the Judicial Magistrate No.II, Thanjavur and quash the same.

2. For the sake of convenience, the parties are referred to as the accused and the complainant. The complainant had initiated prosecution in STC No.438 of 2015 for an offence under Section 138 of N.I.Act against the accused and the same is pending before the learned Judicial Magistrate No.II, Thanjavur, challenging which, the accused has filed the present quash petition.

3. Heard the learned counsel for the accused and the learned counsel for the complainant.

4. When the matter was taken up for hearing, learned counsel for the accused fairly submitted that he will raise all his points that have been raised in this quash petition before the Trial Court and he also sought leave of this Court for transfer of the case from Thanjavur to Manapparai, on the ground that the accused is a practising Advocate and he feels embarrassed to appear before the Court in Thanjavur.

5. The complainant has filed a counter affidavit, wherein she has stated that she is residing at Manapparai and she has no objection in the case being transferred to Manapparai.



6. Hence, this petition is dismissed with liberty to the accused to raise all the points before the Trial Court. The case in STC No.438 of 2015 is hereby transferred from the file of the learned Judicial Magistrate No.II, Thanjavur to the file of learned Judicial Magistrate, Manapparai. Learned Judicial Magistrate No.II, Thanjavur is directed to send all the records relating to STC No.438 of 2015 to the file of learned Judicial Magistrate, Manapparai within two weeks from the date of receipt of a copy of this order. The accused shall appear before the learned Judicial Magistrate, Manapparai without waiting for any further summons therefrom. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Protocol)

/True copy/

Sub Assistant Registrar

To:

1. The Judicial Magistrate No.II,
Thanjavur.
2. -do- thro' The Chief Judicial Magistrate,
Tanjavur at Kumbakonam.
3. The Judicial Magistrate,
Manapprai
4. -do- thro' The Chief Judicial Magistrate,
Trichy.

+1 CC to Mr.S.RAVI, Advocate, SR No. 18553

+1 CC to Mr.K.KUMARAVEL, Advocate, SR No. 18244

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PSM/RR/SAR3/07.04.2017/2P/7C

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