



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2017

CORAM:

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

WEB COPY

Crl.O.P. (MD) No.3250 of 2017
and Crl.M.P. (MD) Nos.2476 & 2477 of 2017

K.Vasuki

... Petitioner

Vs.

M.Krishna

... Respondent

Prayer: Petition filed under Section 482 of Code of Criminal Procedure, to withdraw STC No.1128 of 2016 from the file of the District Munsif cum Judicial Magistrate, Bodinayakanur, Theni District to the file of the Judicial Magistrate at Namakkal for further proceedings.

For Petitioner : Mr.K.Veilmuthu

O R D E R

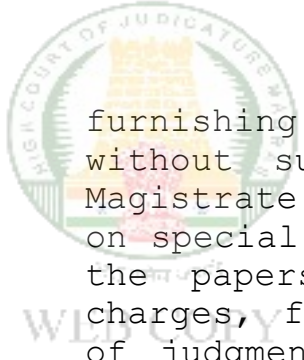
This petitioner is facing prosecution in S.T.C.No.1128 of 2016 before the Judicial Magistrate, Bodinayakanur under Section 138 of Negotiable Instruments Act, which has been filed by the respondent Police, for transferring which, the petitioner has filed the present application.

2.Heard the learned counsel for the petitioner.

3.It is the case of the petitioner that she is working as a Teacher in a Government School at Namakkal District and that she has also given police complaint against the respondent stating that he has abused her and based on which, a petition enquiry was being conducted by the Bodinayakanur Town Police Station in C.S.R.No.316 of 2016 and that it is inconvenient for her to go to the Judicial Magistrate, Bodinayakanur for every hearing in S.T.C.No.1128 of 2016.

4.In the considered opinion of this Court, inconvenience of the accused to appear before the Trial Court in a criminal case cannot be a legal ground for transferring the case. Hence, this Criminal Original petition is devoid of merit and the same is dismissed.

5.However, the learned counsel for the petitioner submitted that the presence of the petitioner may be dispensed with before the Trial Court. Accepting the same, the petitioner is directed to appear before the Trial Court and on her appearance, she shall be released on bail under Section 436 Cr.P.C. on the same day on



furnishing a bond for Rs.10,000/- (Rupees ten thousand only) each without sureties to the satisfaction of the learned Judicial Magistrate concerned and thereafter, she shall engage an advocate on special vakalat and appear before the Trial Court for receiving the papers under Section 207 Cr.P.C.at the time of framing charges, for questioning under Section 313 Cr.P.C.and on the day of judgment. On all other dates, if she files an application under Section 317 Cr.P.C., undertaking that they will not dispute their identity and that their counsel will cross examine the prosecution witnesses in her absence without adopting dilatory tactics, the Trial Court may liberally consider and entertain the same. If they adopt any dilatory tactics, it is open to the Trial Court to insist upon her presence. Consequently, connected Crl.M.Ps.are closed.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

The District Munsif cum Judicial Magistrate,
Bodinayakanur, Theni.

+1 cc to Mr.K.Veil Muthu , Advocate in SR.No. 17096

Nbj
AE/KP/SAR4/28.04.2017/2P/3C

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