

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

DATED: 07.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH**Crl.O.P. (MD)No.5503 of 2017****and CRL.M.P. (MD) Nos.3907 and 3908 of 2017**

WEB COPY

V.Rajendran

: Petitioner/Accused

Vs.

Kalaiselvan

: Respondent/Complainant

Prayer : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure praying to withdraw and transfer the Criminal Case in C.C.No.297 of 2011 on the file of the learned Judicial Magistrate, Pattukottai, Thanjavur District to any Judicial Magistrate Court at Thiruvarur or any other competent Court except Thanjavur District which will be convenient for both parties.

For Petitioner

: Mr.D.Anbarasu

O R D E R

For the sake of convenience the parties are referred to as complainant and accused.

2.The complainant has initiated the prosecution under Section 138 of the Negotiable Instruments Act against the accused in 2011 before the Judicial Magistrate, Pattukottai. The case was taken on file as C.C.No.297 of 2011. Thereafter, the case was transferred for want of jurisdiction to the Judicial Magistrate No.1, Mannaargudi and it was renumbered as STC No.3618 of 2014. Once again it has been re-transferred to the file of Judicial Magistrate, Pattukottai and taken on file in the same old C.C., namely, 297 of 2011. While so, the accused, who is aged about 63, is seeking transfer of the case from Pattukottai to any other Judicial Magistrate's Court in Thiruvarur District because of his old age.

3.In the considered opinion of this Court, it will not be advisable to transfer the case once again as the case is of the year 2011.

4.However, learned counsel appearing for the petitioner submits that the presence of the petitioner before the Trial Court may be dispensed with.

<https://hcservices.ecourts.gov.in/hcservices/>

5.Accepting the submission, this Court directs the



petitioner to appear before the Trial Court within two weeks from the date of receipt of a copy of this order and execute a bond under Section 88 Cr.P.C. for Rs.5,000/- (Rupees Five Thousand only) without sureties. Thereafter, he shall engage an advocate on special vakalat before the Trial Court and give an undertaking that he will not dispute his identity and his counsel will cross-examine the witnesses on the day when they are examined in chief without seeking any unnecessary adjournments. The petitioner shall appear before the trial Court for questioning under Section 313 Cr.P.C. and on the date of judgment. On specifying the above conditions, the presence of the petitioner shall be dispensed with except for the two hearings stated above. The trial Court shall complete the trial within six months from the date of receipt of a copy of this order. If the counsel for the accused adopts dilatory tactics, the trial Court can insist upon the presence of the accused.

6.This Criminal Original Petition is disposed of with the above directions. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

1.The Judicial Magistrate,
Pattukottai.

+1cc to M/s.D.ANBARASU Advocate in SR. No.58930

sj
VB/KKR/SAR.4/14.6.2017/2P-3C

Order made in
Cr1.O.P. (MD) No.5503 of 2017
and CRL.M.P. (MD) Nos.3907 and 3908 of 2017
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