



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2017

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THE HON'BLE MR.JUSTICE P.N.PRAKASHCrI.O.P.(MD) No.877 of 2017 and
CrI.M.P.(MD) Nos.764 & 765 of 2016

M.Mahalingam

... Petitioner/Accused

-vs-

R.Rajeshwari

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 407 of Cr.P.C., praying to withdraw and transfer the C.C.No.344 of 2016 on the file of Judicial Magistrate Fast Track Court (ML) Tuticorin to any other court competent to try the same anywhere outside Tuticorin district.

For Petitioner : Mr.K.Sudalaiyandi
For Respondent : Mr.S.I.A.K.Bagadursha

O R D E R

This petition has been filed to withdraw and transfer the case in C.C.No.344 of 2016 pending on the file of Judicial Magistrate, Fast Track Court (ML), Tuticorin to any other court competent to try the same anywhere outside Tuticorin district.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

3. For the sake of convenience, the parties will be referred to as the complainant and the accused.

4. It is the case of the complainant that she got introduced to the accused through one Rathnavel, an Advocate practising in Tuticorin Courts and that she has given a sum of Rs.12,00,000/- as loan to the accused in the presence of Rathnavel, for which, the accused had issued a cheque for Rs.12,00,000/-, which, when presented by the complainant, was returned unpaid on the ground that "payment stopped by drawer". The complainant issued a legal notice dated 05.11.2016 and followed it up by initiating the prosecution in C.C.No.344 of 2016, which is now pending on the file of Judicial Magistrate (Fast Track Court) (ML), Tuticorin under Section 138 of N.I.Act against the accused.



5. The accused is before this Court for transfer of C.C.No.344 of 2016, on the ground that the said Rathnavel is an Advocate and that he had collected money from the accused for getting college admission for his daughter and in those circumstances, the cheque was given to Rathnavel, who had misused it by giving it to the complainant and filing the present prosecution.

6. Even in the complaint in C.C.No.344 of 2016, the complainant has stated that she got introduced to the accused through one Advocate and she has not stated as to why she gave Rs.12,00,000/- as loan to the accused. Admittedly, Rathnavel is a practising Advocate in Tuticorin and therefore, this Court is of the view that it will serve the interest of justice, if the case is transferred out of Tuticorin.

7. In the result, this petition is allowed and the case in C.C.No.344 of 2016 pending on the file of Judicial Magistrate (Fast Track Court) (ML), Tuticorin is transferred to the file of Judicial Magistrate (Fast Track Court), Tirunelveli. Learned Judicial Magistrate (Fast Track Court) (ML), Tuticorin is directed to send all the records to the learned Judicial Magistrate (Fast Track Court), Tirunelveli forthwith. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(C.O.)

/True Copy/

Sub Assistant Registrar

To:

1. The Judicial Magistrate (Fast Track Court), (ML)
Tuticorin
2. The Judicial Magistrate (Fast Track Court),
Tirunelveli.

+1CC to M/S.K.Sudalaiyandi, Advocate, SR.No. 13673

+1CC to M/S.S.I.A.K. Bagadursha, Advocate, SR.No. 13943

CrI.O.P.(MD) No.877 of 2017
09.03.2017

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