



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 15 .03.2017

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THE HON'BLE MR.JUSTICE G.CHOCKALINGAM
Crl.O.P.(MD) Nos.23946 to 23948 of 2016
and
Crl.M.P(MD)Nos.12683 to 12685 of 2016

Ravi Sharma : Petitioner/Accused in all the petitions

-vs-

M/s.Sri Saravana Fabrics,
through its Patner K.B.Venkateswaran,
represented through its Manager and
Power of Attorney M.Ramesh : Respondent/Complainant in all
the petitions

Prayer: Criminal Original Petition have been filed under
Section 407 of Cr.P.C., to withdraw the case in C.C.Nos.337,339 and
338 of 2015 respectively on the file of the Judicial Magistrate,
Rajapalayam and transfer the same to the file of the any Judicial
Magistrate Court, Madurai.

For Petitioner : Mr.A.Shajahan
[in all cases]

For Respondent : Mr.A.Balaji
[in all cases]

COMMON ORDER

These petition have been filed, seeking to withdraw the case
in C.C.Nos.337 to 339 of 2015 on the file of the Judicial
Magistrate, Rajapalayam and transfer the same to the file of any
Judicial Magistrate Court at Madurai, respectively.

2.The learned counsel appearing for the petitioner would
submit that the petitioner had been dealing with the respondent by
purchasing plain fabric on credit basis and that it is the case of
the respondent that a sum of Rs.15,35,640/- is outstanding as on
05.07.2014 and for the due, the petitioner issued cheques bearing
registration Nos.160017,160018 and 160019, for a total sum of
Rs.1535572/- drawn on IOB, Erode Branch and when they were presented
in bank for collection, the same were returned for the reason of
insufficient funds and that the respondent has filed complaints
under Sections 138 and 142 of Negotiable Instruments Act for the
dishonour of the cheques and the complaints were taken on file by
the Judicial Magistrate, Rajapalayam, in C.C.Nos.337 to 339 of 2015
and that since the petitioner was threatened by the respondent, he
has come forward with these petitions seeking transfer of the cases
in C.C.Nos.337 to 339 of 2015 from the file of Judicial Magistrate,



Rajapalayam to any other Judicial Magistrate Court at Madurai, for disposal.

3. The learned counsel appearing for the respondent would submit that the allegations stated in the petitions are false and these petitions are filed only to drag on the proceedings. Hence, he prayed for the dismissal of the petitions.

4. Heard both sides and perused the materials available on record.

5. According to the petitioner, he was threatened by the respondent. But to prove the above fact, there is no material produced on the side of the petitioner. The further contention of the petitioner is that he is residing in Chennai and he has to travel 650 kms to attend the every hearing at Rajapalayam Court. The above contention of the petitioner is not at all acceptable, since Rajapalayam is situated nearly 95 kms from Madurai. In view of the above circumstances, this court is of the considered view that the present petitions are filed only to drag on the proceedings and therefore, the relief sought for by the petitioner cannot be granted.

6. In the result, these petitions are **dismissed** with a direction to the Judicial Magistrate, Rajapalayam, to post the cases in C.C.Nos.337 to 339 of 2015 on day today basis and dispose of the same, purely on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petitions are closed.

SD/-

ASSISTANT REGISTRAR (P&A)

/TRUE COPY/

SUB ASSISTANT REGISTRAR

To

The Judicial Magistrate,
Rajapalayam.

+1 CC TO MR.A.SHAJAHAN, ADVOCATE, SR NO.15193

+3 CCS TO MR.A.BALAJI, ADVOCATE, SR NOS.15177, 15178 & 15179

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MAS/SKN-RSK:24.03.2017:2P-6C

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and

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