



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.O.P.(MD)No.20995 of 2016

and

Crl.M.P.(MD)Nos.10704 and 10705 of 2016

S.Thenmozhi

: Petitioner

-Vs-

S.Rathakrishnan

: Respondent

PRAYER: Petition is filed under Section 407 of the Criminal Procedure Code praying to transfer the trial in S.T.C.No.5124 of 2015 pending trial on the file of the learned District Munsif -cum- Judicial Magistrate, Bodinayakanur, to the competent Court at Madurai.

[prayer amended as per the order of this Court dated 09.03.2017, made in Crl.M.P.(MD)No.12127 of 2016

For Petitioner : Mr.S.Siva Ilayaraja

For Respondent : Mr.V.P.Rajan

O R D E R

Rathakrishnan has filed S.T.C.No.5124 of 2015 before the learned District Munsif -cum- Judicial Magistrate, Bodinayakanur, under Section 138 of the Negotiable Instruments Act against Thenmozhi. Thenmozhi is before this Court for transfer of S.T.C.No.5124 of 2015 from the file of the learned District Munsif -cum- Judicial Magistrate, Bodinayakanur, to any other Court, on the ground that Rathakrishnan is a Practising Advocate in Bodi. The learned counsel appearing for Rathakrishnan fairly conceded that he has no objection in the matter being transferred from the file of the District Munsif -cum- Judicial Magistrate, Bodinayakanur.

2. In view of the above, this Court is of the view that it will be in the interest of justice, if the case in S.T.C.No.5124 of 2015 is transferred from the file of the learned District Munsif -cum- Judicial Magistrate, Bodinayakanur, to the Fast Track Court at Magisterial Level, Theni. Thenmozhi is directed to furnish a bond before the learned District Munsif -cum- Judicial Magistrate, Bodinayakanur under Section 88 of the Code of Criminal Procedure without sureties, if not already furnished. The learned District Munsif -cum- Judicial Magistrate, Bodinayakanur, is



directed to send all the records in S.T.C.No.5124 of 2015, to the Fast Track Court at Magisterial Level, Theni, within a period of one week from the date of receipt of a copy of this order. Thenmozhi is directed to appear before the Fast Track Court at Magisterial Level, Theni, on 10.04.2017 and furnish a bond under Section 88 of the Code of Criminal Procedure, without sureties, if not already furnished before the learned District Munsif -cum- Judicial Magistrate, Bodinayakanur. Thenmozhi shall appear before the Fast Track Court at Magisterial Level, Theni, for questioning under Section 313 Cr.P.C. and on the day of judgment. For the other dates, her presence before the said Court is dispensed with, on condition that she files an application under Section 317 Cr.P.C., undertaking that she will not dispute her identity and that her counsel will cross-examine the prosecution witnesses in her absence without adopting dilatory tactics. If the petitioner adopts any dilatory tactics, it is open to the Trial Court to insist upon her presence.

3. This Petition is ordered accordingly. Consequently, the connected miscellaneous petitions are closed.

Sd/
Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar.

To

1 The District Munsif -cum- Judicial Magistrate,
Bodinayakanur.

2 The Fast Track Court at Magisterial Level,
Theni.

+1CC to M/S.S.Siva Ilayaraja, Advocate, SR.No. 13850

Order made in
CRL.O.P.(MD) No.20995 of 2016
Dated: 09.03.2017

SML

AM/SV MMS/SAR-3/14.03.2017/2P/4C