

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.06.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.No.4121 of 2018
and Crl.MP.Nos.1913 & 1914 of 2018
AND

Crl.O.P.No.4122 of 2018
and Crl.MP.No.1915 & 1916 of 2018

Karthik Prabhu Petitioner
in both Crl.OPs

Vs

M/s.Sri Ramakrishna Padaiyachi
Rep. by its Proprietor,
Ramakrishnan,
A.Melpattu, Panruti Taluk,
Cuddalore District. Respondent
in both Crl.OPs

Crl.O.P.No.4121 of 2018 : Criminal Original Petition filed under
Section 407 of Cr.P.C. to transfer the case in S.T.C.No.242 of
2016 from the file of the Judicial Magistrate No.I, Panruti to
any other Court except Cuddalore District.

Crl.O.P.No.4122 of 2018 : Criminal Original Petition filed under
Section 407 of Cr.P.C. to transfer the case in S.T.C.No.173 of
2016 from the file of the Judicial Magistrate No.I, Panruti to
any other Court except Cuddalore District.

For Petitioner : Mr.S.Doraisamy
in both Crl.OPs

For Respondent : Mr.P.Paramasiva Doss
in both Crl.OPs

C O M M O N O R D E R

These petitions have been filed to transfer the cases in
S.T.C.No.242 of 2016 and S.T.C.No.173 of 2016 from the file of
the Judicial Magistrate Court No.I, Panruti to any other Court
except Cuddalore District.

2.For the sake of convenience, the parties will be referred to by their name. Karthik Prabhu is the accused in STC.Nos.242 of 2016 and 173 of 2016 before the Chief Judicial Magistrate-I, Panruti for an offence under Section 138 of Negotiable Instruments Act, 1881, on the complaint given by Ramakrishnan. It appears that during the pendency of the trial, on the complaint given by one Sakthivel, S/o.Ramakrishnan, a case in crime No.506 of 2017 was registered on 14.11.2017 under Section 406, 420 and 506[ii] of IPC against Karthik Prabhu. It is the apprehension of Karthik Prabhu that his life will be under threat, if he goes to Judicial Magistrate Court, Panruti for the trial. Therefore, he has filed the present petition for transfer.

3.Heard Mr.S.Doraisamy, learned counsel for Karthik Prabhu and Mr.P.Paramasiva Doss, learned counsel for Ramakrishnan.

4.Learned counsel for Ramakrishnan submitted that Karthik Prabhu had given a complaint against Ramakrishnan to the Panruti Police Station and the said complaint has been closed as false.

5.Be that as it may, there appears to be reasonable cause for the apprehensions expressed by Karthik Prabhu. However, that by itself cannot be a ground for transferring the case to any other Court. Interest of justice will be served, if the presence of Karthik Prabhu is dispensed with before the trial Court on certain conditions.

6.In fine, the presence of Karthik Prabhu in STC.No.242 of 2016 and 173 of 2016 before the Judicial Magistrate-I, Panruti is dispensed with on the following conditions:

- i. Karthik Prabhu shall appear before the Judicial Magistrate-I, Panruti and on his appearance, he shall be released on bail on the same day under Section 436 of Cr.P.C., on he executing a bond for Rs.5,000/- with one common surety;
- ii. Thereafter, he shall engage an Advocate on special vakalat and undertake that his counsel will cross-examine the witness on the day when they are examined in-chief, without adopting any dilatory tactics and that he will not dispute his identity;
- iii. That he will appear for questioning, 313 examination and on the date of judgment;
- iv. That he will appear before the trial Court as and when specifically notified to his counsel on record by the trial Court.

7.The trial Court is directed to complete the trial within a period of six months from the date of receipt of a copy of this order.

With the above direction, these Criminal Original Petitions are closed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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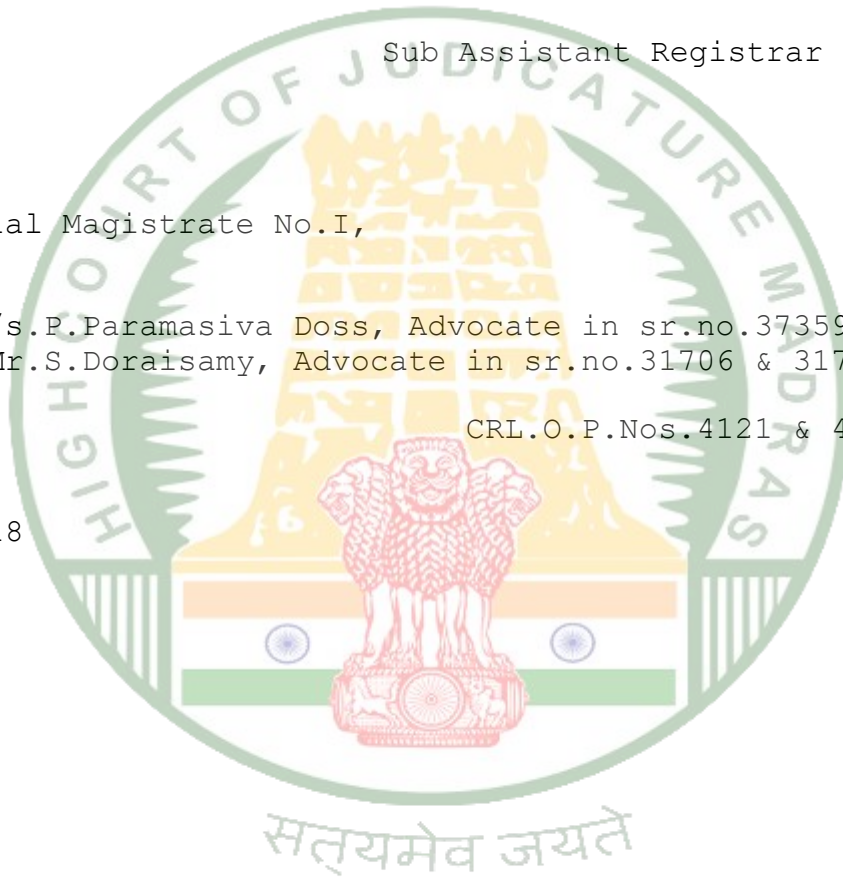
To

The Judicial Magistrate No.I,
Panruti.

+1cc to M/s.P.Paramasiva Doss, Advocate in sr.no.37359
+2ccs to Mr.S.Doraisamy, Advocate in sr.no.31706 & 31705

CRL.O.P.Nos.4121 & 4122 of 2018

NMI (CO)
CS/26/06/18



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