

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.10.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM

CrI.OP.No.7227 of 2013

and

MP.No.1 of 2013

S.Muthuselvi

... Petitioner/Accused

Vs.

Baranjothi

... Respondent/ Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to transfer the C.C.No.396 of 2011 on the file of Judicial Magistrate Court at Nanguneri to Metropolitan Magistrate Court at Egmore.

For Petitioner : Ms. R.T.Shyamala

For Respondent : No Appearance

ORDER

This petition has been filed by the accused to transfer the case in C.C.No.396 of 2011 from the file of the Judicial Magistrate at Nanguneri to Metropolitan Magistrate Court at Egmore.

2. Though the notice was received by the father of the respondent on 17.04.2013 on behalf of the respondent, the respondent has not appeared either in person or through counsel. Hence after hearing the arguments of the learned counsel for the petitioner and perusing the records, order is being passed.

3. The learned counsel for the petitioner has submitted that the petitioner has borrowed some amount from one Perumal who is residing in Chennai and gave three blank cheques to him on 19.09.2010 and subsequently, the petitioner has repaid the said loan and demanded to return the aforesaid cheques, but the said Perumal has stated that he has handed over the cheques to one Rajendran and he promised to return the same to the petitioner. But the cheque was not returned. She further submitted that the said Rajendran is none other than the father of the respondent. She further submitted that the said Perumal

colluded with the said Rajendran retained the said cheque and filled up the same in the name of the respondent and filed a case in C.C.No.396 of 2011 on the file of the Judicial Magistrate Nanguneri. She further submitted that the petitioner has not borrowed any amount from the respondent. She further submitted that the petitioner is a poor flower vendor and she being a lady, it is very difficult for her to travel 650 kilometers from Chennai to Nanguneri. She prayed to transfer the case in C.C.No.396 of 2011 from the Judicial Magistrate Court, Nanguneri to any of the Metropolitan Magistrate Courts at Egmore.

4. Considering the fact that the petitioner is a lady and she is a flower vendor and it would be very difficult for her to travel for 650 Kms from Chennai to Nanguneri and also the fact that even after receipt of the notice, the respondent has not appeared and opposed this petition, this court is inclined to allow this petition.

5. In the result, the petition is allowed. The case in C.C.No.396 of 2011 is withdrawn from the file of the Judicial Magistrate Court, Nanguneri and transferred to the file of the Chief Metropolitan Magistrate, Egmore. On receipt of the records in the aforesaid case, the Chief Metropolitan Magistrate, Egmore, has to transfer the said case to the Competent Metropolitan Magistrate to try and dispose of the same in accordance with law. Consequently, connected miscellaneous petition M.P.No.1 of 2013 is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

vsn/vv

To

1.The Judicial Magistrate Court,
Nanguneri.

2.The Metropolitan Magistrate Court,
Egmore.

+1cc to Mr.R.T.Shyamala, Advocate, S.R.No.68396

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VGII (CO)

GSP (27/11/2018)