

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2018

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.8307 of 2014

and M.P.No.1 of 2014

J.Rayappan

...Petitioner/Accused

-Vs-

M/s.Arjun Amaravathi Chits (p) Ltd.,  
Rep. by its duly authorized ''Legal Assistant''  
T.Bhuvarahamurthy,  
S/o.Thyagarajan,  
Having its branch office at,  
New No/337, Old No.164,  
Linghi Chetty Street,  
Singapore Plaza,  
Chennai - 600 001.

... Respondent/Complainant

Prayer: Criminal Original petition filed under Section 407 of the Code of Criminal Procedure, to withdraw the C.C.No.1932 of 2012 pending on the file of the V Fast Track Court at George Town, Chennai and to transfer the same to Judicial Magistrate Court at Kanchipuram or any other competent Court.

For Petitioner : M/s.Sree Sun Associates

For Respondent : Mr.B.Divakaran

ORDER

This petition has been filed seeking for transfer of proceedings pending on the file of the V Fast Track Court at George Town, Chennai.

2.The petitioner is facing trial before the Court below for an offence under Section 138 of the Negotiable Instruments Act. This petition has been filed seeking for transfer the proceedings to Kancheepuram on the ground that the petitioner is suffering from illness and due to his bad health condition, the petitioner is not in a position to attend the case during every hearing.

3.The complaint is of the year 2012 and the petition has been filed seeking for transfer in the year 2014 and the case has came up for hearing in the year 2018. At this length of the time this Court is not in a position to transfer the proceedings.

4.The only grievance expressed by the petitioner is that due to ill health, he is not in a position to attend the proceedings.

5. The presence of the petitioner shall be dispensed with by the Court below and the petitioner shall be represented by his counsel. The petitioner shall be present before the Court below at the time of questioning under Section 313 of Cr.P.C., and at the time of passing a judgment. The learned counsel representing the petitioner shall cross examine the witnesses on the same day they are examined in chief. The petitioner shall not dispute the identity of the witnesses.

6.This Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.1932 of 2012 on the file of the V Fast Track Court at George Town, Chennai, within a period of two months from the date of receipt of copy of this order. Consequently connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

LPP/vsa

To

1.The V Metropolitan Magistrate,  
Fast Track Court,  
George Town, Chennai.

+1cc to Mr.M.Vijay Anand, Advocate, S.R.No.84166  
+1cc to Mr.B.Divakaran, Advocate, S.R.No.83924

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SAI (CO)

rrs 21/12/2018