

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.11.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.25703 of 2018

and

CRL.M.P.Nos.14663 and 14666 of 2018

L.Rose Mary

..Petitioner

Vs.

M/s.Dhanalakshmi Srinivasan Chit Funds Pvt. Ltd
Rep by its General Power of Attorney as well as
Legal Manager Mr.K.A.Kannan

Head office at
No.274/C, Thuraiyur Road,
Perambalur 621 212

Having Branch Office at
Old No.41, New No.182, 1st Floor
Medavakkam Main Road,
Adambakkam, Chennai 620 088.

Having Branch Office at
Murugankurichi, Palayamkottai,
Thirunelveli.

..Respondent

Criminal Original Petition filed under Section 482
Cr.P.C., to withdraw the case in STC No.1392 of 2018 pending
on the file of the Judicial Magistrate Court, Perambalur and
transfer the same to the file of any Judicial Magistrate
Court, Tirunelveli for the interest of justice.

For Petitioner : Ms.G.Seethalakshmi

For Respondent : Ms.M.Prabhavathi,
Additional Public Prosecutor

O R D E R

This petition is filed to withdraw the case in STC
No.1392 of 2018 pending on the file of the Judicial Magistrate
Court, Perambalur and transfer the same to the file of any
Judicial Magistrate Court at Tirunelveli.

2.The petitioner is the accused in STC No.1392 of 2018
before the Judicial Magistrate Court, Perambalur under Section
138 of the Negotiable Instruments Act.

3.It is the case of the petitioner that she is working as a driver in the State Transport Corporation at Tirunelveli and has two children and therefore, she finds it very difficult to go to the Court of Judicial Magistrate at Perambalur for every hearing. Hence, the petitioner is before this Court for transfer of the case.

4.In the opinion of this Court, that cannot be a good reason to transfer the case from Perambalur to Tirunelveli, since, the complainant-Bank is situated in Perambalur and the Branch Manager has to be examined as a witness. Hence, this petition is liable to be dismissed. However, it will be in the interest of justice if the presence of the petitioner before the Trial Court is dispensed with on the following conditions:

"The petitioner shall appear before the Trial Court within a period of four weeks from the date of receipt of a copy of this order and file an application under Section 436 Cr.P.C for bail. The Trial Court shall release her on bail on the same day, on she executing a bond for Rs.10,000/- with one surety. Thereafter, the petitioner shall appear for receiving the complaint, for the hearings under Sections 251, 313 Cr.P.C and on the date of judgment. For other hearings, if 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 on the day they are examined in-chief, without adopting any dilatory tactics, her presence can be dispensed with. If the accused adopts any dilatory tactics, the Trial Court shall insist upon the presence of the accused. If the accused absconds, a fresh FIR can be registered against them under Section 229-A of IPC."

Accordingly, this petition is dismissed. Consequently, connected Miscellaneous Petitions are closed.
gsa

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

To

- 1.The Judicial Magistrate, Perambalur.
- 2.The Public Prosecutor, High Court, Madras.

+1cc to M/s.G.Seethalakshmi, Advocate S.R.No.75623

KR/8/11/18

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and

CRL.M.P.Nos.14663 and 14666 of 2018



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