



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2018

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WEB COPY

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

Cr1.O.P.(MD) No.10946 of 2014
and
M.P.(MD)Nos.1 and 2 of 2014

R.Ponnusamy

... Petitioner

-Vs-

E.Kannan

... Respondent

Prayer: Criminal Original petition - filed under Section 407 of Code of Criminal Procedure, to withdraw the case in C.C.No.27 of 2014 on the file of the learned Judicial Magistrate, Fast Track Court (Magisterial Level) at Karur, transfer to the learned Judicial Magistrate Court No.I, Thiruppur.

For Petitioner : Mr.R.Mathiyalagan
For Respondent : Mr.V.Balaji

ORDER

This Criminal Original Petition has been filed by the accused to transfer the case in C.C.No.27 of 2014 from the file of the learned Judicial Magistrate, Fast Track Court, Karur, to the learned Judicial Magistrate Court No.I, Thiruppur.

2. Heard the learned counsel appearing for the petitioner and learned counsel appearing for the respondent.

3. The learned counsel appearing for the petitioner has submitted that the respondent herein has filed a private complaint under Section 138 of the Negotiable Instruments Act and based on the said complaint, the case was taken on file in C.C.No.27 of 2014 on the file of the learned Judicial Magistrate, Fast Track Court, Karur.

4. He has further submitted that the respondent herein along with some other persons have obtained signatures in blank papers and also obtained cheque leaves from the petitioner and with regard to the said offence, the petitioner has also lodged a private complaint in C.C.No.290 of 2014 on the file of the learned Judicial Magistrate No.I, Tiruppur and the same is still pending.

5. He has further submitted that on 23.02.2011, one Gopal and Sekar abused the petitioner and threatened him and with regard to



the said occurrence, the petitioner has lodged a complaint before the Tiruppur North Police Station and based on that, a case was registered in Crime No.1475 of 2011 under Sections 294 (b), 323 and 506(i) IPC.

6. He further submitted that since there is a life threat to the petitioner and also the petitioner is aged about 60 years, the petitioner is not able to travel from Tiruppur to Karur. Hence, He requests to transfer the case in C.C.No.27 of 2014 from the file of the learned Judicial Magistrate, Fast Track Court, Karur to the learned Judicial Magistrate Court No.I, Thiruppur.

7. The learned counsel appearing for the respondent has submitted that alleged FIR in Crime No.1475 of 2017 has been registered against one Gopal and Sekar and not against the respondent herein. He further submitted that in order to escape from the case in C.C.No.27 of 2014, the petitioner herein has filed a private complaint in C.C.No.290 of 2014 on the file of the learned Judicial Magistrate Court No.I, Thiruppur.

8. He further submitted that if the case is transferred to Thiruppur, that would cause inconvenience to the respondent to go to Thiruppur from Karur.

9. Admittedly, the First Information Report in Crime No.1475 of 2011 on the file of the Thiruppur North Police Station has not been registered against the respondent herein. It was registered against one Gopal and Sekar. Further, the case in C.C.No.290 of 2014 on the file of the learned Judicial Magistrate No.I, Thiruppur has been filed after filing of the case in C.C.No.27 of 2014 by the respondent herein and therefore, there is no basis for the apprehension of the petitioner that he has been threatened by the respondent. Merely because the petitioner is aged about 60, the case cannot be transferred from Karur to Thiruppur. There is no merit in this petition. Hence, this petition is dismissed.

10. In the result, this Criminal Original Petition is dismissed. Considering the fact that the case in C.C.No.27 of 2014 is pending for the past four years, the learned Judicial Magistrate, Fast Track Court, Karur, is directed to expedite the trial and dispose the case in C.C.No.27 of 2014 within a period of four months from the date of receipt of a copy of this order. Consequently, the connected Miscellaneous Petitions are dismissed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar



To
1.The Judicial Magistrate,
Fast Track Court (Magisterial Level)
Karur.

2.The Judicial Magistrate No.I,
Thiruppur.

Order made in
Cr1.O.P.(MD) No.10946 of 2014

Dated:
28.02.2018

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AM/SV MMS/SAR 2/23.03.2018/3P/3C