



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2018

CORAM:

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

CRL.OP.(MD) No.2288 of 2018

and

CRL.MP.(MD) Nos.1044 and 1045 of 2018

Johnson

... Petitioner

Vs.

N.Saravanan

... Respondent

PRAYER: Criminal Original petition filed under Section 407 of Code of Criminal Procedure, to transfer the case in C.C.No.103 of 2016 on the file of the learned Judicial Magistrate No.II, Trichirappalli, to any other Metropolitan Magistrate Court in Egmore at Chennai.

For Petitioner : Mr.G.Kandha Vadivelan

For Respondent : No appearance

ORDER

This Criminal Original Petition is filed to transfer the case in C.C.No.103 of 2016 on the file of the learned Judicial Magistrate No.II, Trichirappalli, to any other Metropolitan Magistrate Court in Egmore at Chennai.

2.The learned Counsel for the petitioner has submitted that the petitioner and the respondent are residing at Chennai. However, in order to harass the petitioner, the respondent has filed a complaint under Section 138 of Negotiable Instruments Act. Based on that, a case was taken on file on C.C.No.103 of 2016 on the file of the learned Judicial Magistrate-II, Trichy. He further submitted that the petitioner is suffering from Spondylitis / Lumbarco, hence he is not able to travel from Chennai to Trichy to attend the Court. In support of the said contention, he has also produced a Medical Certificate. Though, the respondent has received notice, there is no appearance, either in person or any Counsel.

3.The petitioner has produced the copy of the complaint, which was filed by the respondent herein in C.C.No.106 of 2016 on the file of the learned Judicial Magistrate No.II, Trichy. A perusal of the said complaint shows that both the petitioner as well as the respondents are residing only at Chennai. The medical certificate produced by the petitioner, shows that he is suffering from



Spondylitis / Lumbarco. The respondent did not appear before this Court to deny the allegations made by the petitioner.

4.Considering the above said facts, this Court is inclined to allow this petition and as a result, this petition is allowed and the case in C.C.No.103 of 2016, on the file of the learned Judicial Magistrate No.II, Trichy is withdrawn and transferred to learned Metropolitan Magistrate, Fast Track Court No.I, Egmore, Chennai. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To

1.The Judicial Magistrate No.II, Trichy.

2.The Metropolitan Magistrate, Fast Track Court No.I,
Egmore, Chennai.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC TO Mr.G.Kandha Vadivelan, Advocate, Sr No.52291

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cmr

MS/JC/SAR-1/16.04.2018/2P.5C