



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:07.02.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

CRL.O.P.(MD)No.16000 of 2015

K.Subburam

... Petitioner/Complainant

-Vs-

P.Thandapani

... Respondent/Accused

PRAYER: Criminal Original petition filed under Section 407 of Criminal Procedure Code, to transfer the C.C.No.148/2014 on the file of the learned Magistrate Court at Kamuthi to any other court outside the Ramnad District.

For Petitioner : Mr.S.Thirunavukarasu

For Respondent : No appearance

O R D E R

This Criminal Original petition has been filed to transfer C.C.No.148 of 2014 from the file of the learned Magistrate Court at Kamuthi to any other court outside the Ramnad District or at Madurai.

2. The learned counsel for the petitioner has submitted that the petitioner has filed a complaint under Section 138 of the Negotiable Instruments Act against the respondent herein, and based on the said complaint, the learned Judicial Magistrate, Kamuthi has taken the case in S.T.C.No.170 of 2013 and subsequently, converted the said case as C.C.No.148/14. He further submitted that the aforesaid case has been posted before the Lok Adalat for settling the dispute. But, during every sitting, the respondent came with his men and threatened that the petitioner should settle the matter before the Lok Adalat or otherwise he will not get money. He further submitted that on every hearing, the respondent threatens the petitioner and hence, the petitioner is having apprehension that he will not have safety to appear before the Court at Kamuthi and hence, he is requesting the Court to transfer C.C.No.148/2014 to some other Court.



3.Though the respondent has received the notice, he did not appear either in person or through counsel.

4.Considering the submissions made by the learned counsel for the petitioner that the respondent is threatening the petitioner, whenever, he is appearing before the Judicial Magistrate Court at Kamuthi and also the fact that the respondent also not appeared to refute the said allegation, I am inclined to allow this petition.

5.In the result, this petition is allowed. The case in C.C.No.148 of 2014 is withdrawn from the file of the Judicial Magistrate, Kamuthi and transferred to the file of the Fast Track Court, Judicial Magistrate No.I, Madurai for disposal in accordance with law.

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1.The Judicial Magistrate, Kamuthi.

2. The Judicial Magistrate No.I,
Fast Track Court, Madurai.

+ 2 ccs TO Mr.S.Thirunavukarasu , Advocate in SR No. 46839

vs
AE/KK/SAR2/06.03.2018/2P/5C

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