



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2018

CORAM

THE HON'BLE MR.JUSTICE P. RAJAMANICKAM

Crl.O.P.(MD) No.3364 of 2014

and

M.P(MD).Nos.1 and 2 of 2014

K.N. Jai Ganesh

... Petitioner

-Vs-

R. Vignesh

... Respondent

Prayer: This Criminal Original petition is filed under Section 482 of Code of Criminal Procedure, to withdraw and transfer the case bearing STC.No.336 of 2013 on the file of the learned Judicial Magistrate No.III, Tiruchirappalli to any other Court to Karur District.

For Petitioner : Mr. S.Palani Velayutham

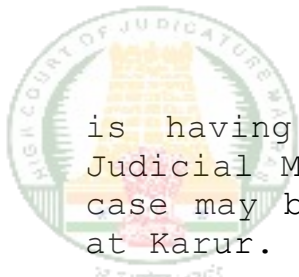
For Respondent : No appearance

O R D E R

This petition has been filed to transfer STC.No.336 of 2013 on the file of the learned Judicial Magistrate No.III, Tiruchirappalli to any of the learned Judicial Magistrate at Karur.

2. Heard the learned counsel appearing for the petitioner. No representation for the respondent.

3. The learned counsel appearing for the petitioner has submitted that the respondent has filed a complaint under Section 138 of Negotiable Instruments Act and based on the said complaint, a case was taken on file in STC.No.336 of 2013, by the learned Judicial Magistrate No. III, Trichy. He further submitted that even before filing the said complaint on 04.07.2008 itself, the petitioner has lodged a complaint before the Inspector of Police, Pasupathipalayam Police Station, Karur District stating that some persons have trespassed into the petitioner's house and took Nine cheque leaves from his house and forcibly obtained signatures from the petitioner and went away. He further submitted that since no action has been taken on the said complaint, subsequently, in the year 2013 also the petitioner has sent another complaint and the said complaints are pending before the Inspector of Police, Pasupathipalayam Police Station, Karur District and therefore, the case which was filed by the respondent in the year 2013, is totally a false case. He further submitted that the petitioner



is having a life threat and hence, he could not attend the Judicial Magistrate Court at Trichy and therefore, the aforesaid case may be transferred to any of the Judicial Magistrate's Court at Karur.

4. Merely because, the petitioner gave a complaint as he has been forced to sign in the blank cheque, the case cannot be transferred to Karur. Further, the petitioner has not lodged any complaint with regard to the alleged threat. Therefore, I do not find any merit in the alleged apprehension of the petitioner. It is also to be pointed out that even though, the complaint was lodged in the year 2008, till today, no First Information Report has been registered. The petitioner also has not taken any steps to direct the Inspector of Police, Pasupathipalayam Police Station, to register a case. Further, the petitioner has not taken any steps even for filing a private complaint. Under the said circumstances, the petitioner's request to transfer the case in STC.No.336 of 2013 to any one of the learned Judicial Magistrate's Court at Karur cannot be considered. Therefore, this petition is liable to be dismissed.

5. In the result, the Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petitions are closed.

6. Considering the fact that the above case is pending from 2013, the learned Judicial Magistrate No.III, Trichy, has to expedite the matter and dispose of at the earliest.

7. The learned counsel appearing for the petitioner has submitted that the petitioner is being a business man, he is not able to attend the Court regularly and hence, he requests to dispense with his personal appearance before the trial Court. Hence, liberty is given to the petitioner to file a petition under Section 317 of Cr.P.C., whenever he is not able to appear before the trial Court.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

The Judicial Magistrate No.III,
Tiruchirappalli.

+1cc to Mr.S.Palani Velayutham, Advocate Sr.No.45239

TRP

VB/KKR/SAR4/21.02.2018/2P/3C

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