



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2018

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P. (MD) .No.538 of 2014

and

M.P (MD) .No.1 of 2014

T.Arul Anandaraj

..Petitioner/Accused

Vs.

A.K.Subramaniam

..Respondent/Complainant

PRAYER: This Criminal Original Petition has been filed under Section 407 of Criminal Procedure Code, to withdraw the case in C.C.No.2562 of 2010 on the file of the Judicial Magistrate No.1, Gopichettipalayam and to transfer the same to the file of the Judicial Magistrate, Sathankulam.

For Petitioner : Mr.Jeyapaul Associates
For Respondent : No Appearance

O R D E R

This criminal original petition has been filed to withdraw the case in C.C.No.2562 of 2010 on the file of the Judicial Magistrate No.1, Gopichettipalayam and to transfer the same to the file of the Judicial Magistrate, Sathankulam.

2.The learned counsel appearing for the petitioner would submit that the respondent filed a private complaint against the petitioner/accused herein for dishonour of cheque issued by the petitioner herein. The said case was taken cognizance by the learned Judicial Magistrate No.1, Gopichettipalayam in C.C.No.2562 of 2010 and the same is pending before the said Court.

3.It is the further contention of the learned counsel appearing for the petitioner that the petitioner is aged about 64 years and since he is residing at Nazareth, Tuticorin District, he could not attend the Court at Gopichettipalayam for each and every hearing. Therefore, he prayed for transferring the case from the file of the learned Judicial Magistrate No.1, Gopichettipalayam to the learned Judicial Magistrate, Sathankulam.

4.Though the second respondent was served and his name also is printed in the cause list, no representation on behalf of the respondent.

5.The only ground raised by the petitioner for transferring the case from Gopichettipalayam to Sathankulam is that since he is



residing at Nazareth and he is aged about 64 years, he could not attend the Court at Gopichettipalayam for each and every hearing. Except this ground, no other ground made out by the petitioner. It is relevant to note that the complaint is of the year 2010 and after lapse of four years, this petition has been filed in the year 2014. It is nothing but to drag on the proceedings, this criminal original petition has been filed and on the ground of age factor, criminal proceedings cannot be transferred,

6.Considering the facts and circumstances of the case, this Court is of the view that the petitioner has not made out any reasonable ground to transfer the case from Gopichettipalayam to Sathankulam and hence, this criminal original petition is liable to be dismissed.

7.Accordingly, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar(CS-I)

To

The Judicial Magistrate No.1,
Gopichettipalayam.

ARUL

VB/RP/SAR1/01.10.2018/2P/2C

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