



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.03.2018

Date of Reserving the Order	Date of Pronouncing the Order
18.01.2018	05.03.2018

CORAM:

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

CRL.O.P.(MD)No.8183 of 2014andM.P.(MD) No.1 of 2014

Seethalakshmi

... Petitioner/Accused

-vs-

G.Gowthaman

... Respondent/Complainant

Prayer: Criminal Original petition is filed under Section 407 of Criminal Procedure Code, to withdraw the case in S.T.C.No.322 of 2013 on the file of the Fast Track Court at Magistrate Level, Thanjavur and transfer the same to Judicial Magistrate No.II, Trichy to try along with S.T.C.No.804 of 2013.

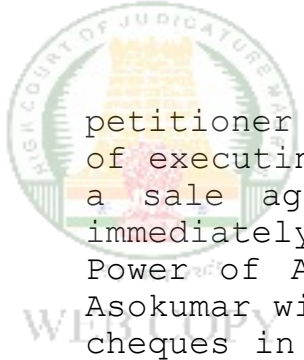
For Petitioner : Mr.A.Saravanan

For Respondent : No appearance

ORDER

This Criminal Original Petition has been filed by the accused to transfer the case in S.T.C.No.322 of 2013 from the file of the learned Fast Track Court (Magistrate Level), Thanjavur to the learned Judicial Magistrate No.II, Trichy to try along with S.T.C.No.804 of 2013.

2.The learned counsel appearing for the petitioner has submitted that the respondent herein has filed a private complaint under Section 138 of Negotiable Instruments Act and based on the said complaint, a case was taken on file in S.T.C.No.322 of 2013, on the file of the learned Fast Track Court (Magistrate Level), Thanjavur. He further submitted that one Mr.R.Asoken @ Asokumar, who is the close friend of the petitioner's son, in the year 2006-2007, has promised to arrange for a loan of Rs.26 Lakhs for the petitioner's son and Rs.10 Lakhs for the petitioner and at the time, the said R.Asoken @ Asokumar had obtained signatures from the petitioner and his son in several blank stamp papers and also obtained blank signed cheques from the petitioner. Further the said R.Asoken @ Asokumar got Power of Attorney from the petitioner and his family members with regard to the petitioner's property situated at Thanjavur measuring about 46 cents and subsequently, the



petitioner came to know that the said R.Asoken @ Asokumar, in stead of executing security documents with the financier, had entered into a sale agreement by misusing the Power of Attorney and hence, immediately the petitioner and her family members have cancelled the Power of Attorney. Entrapped by the same, the said R.Asoken @ Asokumar with a view to get illegal gang, he has filled up the blank cheques in the name of several persons and filed cases in different Courts. One such cheque was filled up in the name of respondent and a case in S.T.C.No.322 of 2013, on the file of the learned Fast Track Court (Magistrate Level), Thanjavur, and another cheque was filled up in the name of P.Sathish Kumar and the case was filed in S.T.C.No.804 of 2014, on the file of the learned Judicial Magistrate No.II, Trichy, at the time of promise given by the said R.Asoken @ Asokumar for arranging the loan, he has obtained blank cheques from the petitioner's also. One, such cheque was filled up in the name of said R.Asoken @ Asokumar and filed a case in S.T.C.No.804 of 2014, on the file of the learned Judicial Magistrate No.IV, Trichy and another cheque was filled in the name of one S.Alangaram and filed a case in S.T.C.No.149 of 2013, on the file of the learned Judicial Magistrate No.III, Trichy, against the petitioner's son. He further submitted that the petitioner is an aged woman and she is a sick person and she is not able to travel from Trichy to Thanjavur for all the hearings and hence, he requests to transfer the case in S.T.C.No.322 of 2013, from the file of the learned Fast Track Court (Magistrate Level), Thanjavur to the file of the learned Judicial Magistrate No.II, Trichy, to try along with S.T.C.No.804 of 2013.

3.Though the respondent has received the notice, he did not appear either in person or through counsel and hence, after hearing the arguments of the learned counsel for the petitioner and perusing the records, orders being passed.

4.Though the petitioner has stated that in the year 2006-2007, one Asoken @ Asokumar gave a promise that he will arrange for a loan of Rs.25 lakhs to the petitioner's son and Rs.10 lakhs to the petitioner and at the time, the said Asoken @ Asokumar has obtained signed blank cheques from the petitioner as well as from her son and subsequently, those cheques were filled up in the name of several persons and filed cases against the petitioner as well as her son before different Courts, those facts have to be decided by the concerned Trial Courts, after perusing the evidence. This Court cannot express any view in this transfer petition with regard to the aforesaid allegations.

5. Therefore, without going to the merits of the case, considering the fact that the petitioner is the women and aged about 64 years at the time of filing the petition and also the fact that the respondent has not appeared and raised any objection, this Court is inclined to transfer the case in S.T.C.No.322 of 2013, from the file of the learned Fast Track Court (Magistrate Level), Thanjavur, to the file of the learned Judicial Magistrate No.II, Trichy.



6. The case in S.T.C.No.322 of 2013 is withdrawn from the learned Fast Track Court (Magistrate Level), Thanjavur and transfer to the learned Judicial Magistrate No.II, Trichy for disposal in accordance with law. Considering the fact that the aforesaid case is pending from the year 2013, the learned Judicial Magistrate No.II, Trichy is directed to dispose of the said case at early, preferably within a period four months from the date of receipt of copy of this order.

7. With the aforesaid directions, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub Assistant Registrar

To

1. The Judge, Fast Track Court (Magistrate Level),
Thanjavur.

2. The Judicial Magistrate No.II,
Trichy.

CRL.O.P. (MD) No. 8183 of 2014

05.03.2018

ia/gsp

AM/RSK/SAR 4/21.03.2018/3P/3C