



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.10.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD)No.5266 of 2017

and

Crl.M.P(MD) No.3727 of 2017

1.P.Chandramohan

2.C.Vignesh

... Petitioners

Vs.

1.C.Murugesapandi

2.S.Kadarkarai

... Respondents

Prayer: This Criminal Original Petition filed under Section 407 Cr.P.C. to withdraw the case in C.C.No.102 of 2016 on the file of the learned Judicial Magistrate, Kovilpattti and transfer the same to the court of the learned Judicial Magistrate, Arupukottai to be tried and heard simultaneously along with the case in C.C.No.260 of 2016 on the file of the said court.

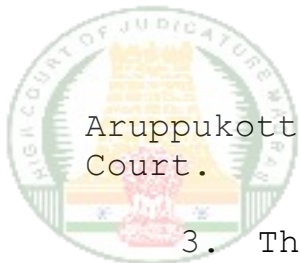
For Petitioners : Mr.N.Ananthapadmanabhan

For Respondents : M/s.C.Bharathi

ORDER

This Criminal Original Petition has been filed seeking to transfer the proceedings pending in C.C.No.102 of 2016 on the file of the learned Judicial Magistrate, Kovilpattti.

2. The learned counsel for the petitioners would submit that the petitioners had some money dealings with one Kadarkarai and had issued unfilled cheques to the said Kadarkari. According to the learned counsel for the petitioner the said Kadarkarai has misused two of the cheques and has made two other persons to file independent complaint in C.C.No.102 of 2016 before the Judicial Magistrate, Kovilpatti. The learned counsel would further submit that the said Kadarkari has also filed complaint under Section 138 of the Negotiable Instrument Act which is pending in C.C.No.260 of 2016 on the file of the learned Judicial Magistrate, Arupukottai. Therefore the learned counsel would submit that the complaint which is the subject matter of this petition can also be transferred to the file of the learned Judicial Magistrate,



Aruppukottai so that three complaints can be tried by the same Court.

3. The learned counsel appearing for the first respondent would submit that each of the cheque has independent liability and the petitioners owe money to all the respondents and this respondent does not have any connection with the above kadarkarai. Therefore the learned counsel for the respondents would submit that this Court should not transfer the case only on the ground that it is more convenient for the petitioner to attend the proceedings before the learned Judicial Magistrate, Aruppukottai.

4. This Court has carefully considered the submissions made on either side

5. In this case, it is seen that the proceedings are at the stage of trial. Therefore it will not be in the interest of justice to transfer the proceedings at this stage. This Court deems it fit to dispense with the appearance of the petitioners before the court below and the petitioners shall be represented their counsel. The petitioner shall present before the court below at the time of questioning under section 313 Cr.P.C and at the time of passing judgment. The counsel for the petitioners shall cross examine the witnesses on the same day when they are examined in chief and the petitioners shall not question the identity of the witnesses.

6. In the result, the Criminal Original Petition is dismissed and the court below is directed to complete the proceedings within a period of three months from the date of receipt of copy of this order. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-I)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1. The Judicial Magistrate, Kovilpattti
2. The Judicial Magistrate, Arupukottai.

+ 1 CC TO Mr.C.BHARATHI, ADVOCATE IN SR No. 91859

AAV

TE/SKN/SAR-4 : 15/11/2018 : 2P/4C

Cr1.O.P. (MD) No.5266 of 2017
24.10.2018
(1/2)