



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.09.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.(MD)No.17065 of 2018

and

CrI.M.P.(MD) Nos.7554 and 7555 of 2018

Prakash

... Petitioner

Vs.

Sundaresan

... Respondent

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C., to withdraw the S.T.C.No.144 of 2017 pending on the file of the learned Judicial Magistrate, Thuraiyur and transfer the same to any other Judicial Magistrate Court at Krishnagiri.

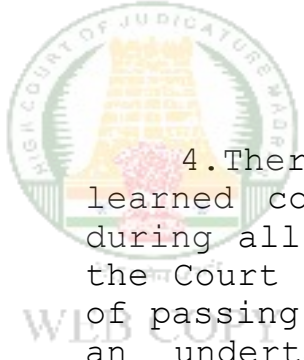
For Petitioner : Mr.K.Thiruvengadam

ORDER

This Criminal Original Petition has been filed seeking for transfer of the case in S.T.C.No.144 of 2017 which is now pending before the Thuraiyur to the Judicial Magistrate Court, Krishnagiri.

2.The learned counsel appearing for the petitioner would submit that the petitioner did not have any connection with the complainant and a false complaint has been filed against him under Section 138 of Negotiable Instruments Act and the same is pending before the learned Judicial Magistrate, Thuraiyur. The petitioner being the resident of Krishnagiri, is not in a position to attend the hearings. Therefore, the criminal original petition has been filed seeking transfer of the proceedings pending before the learned Judicial Magistrate, Thuraiyur to the Judicial Magistrate Court, Krishnagiri.

3.In the facts and circumstances of this case, this Court is of the view that it is not a fit case to transfer the case pending before learned Judicial Magistrate, Thuraiyur in S.T.C.No.144 of 2017. The only difficulty that has been expressed by the petitioner is that he is not able to attend the Court regularly at Thuraiyur, since he is living at Krishnagiri.



4. Therefore, the petitioner shall be represented by the learned counsel before the Judicial Magistrate Court, Thuraiyur during all the hearings. The petitioner shall be present before the Court at the time of 313 Cr.P.C., questioning and at the time of passing of judgment. The petitioner is further directed to give an undertaking in the form of affidavit that the Counsel representing him shall cross examine the prosecution witnesses on the day, they are examined in chief. The petitioner shall not dispute the identify of the witnesses.

5. With the above directions, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

The Judicial Magistrate,
Thuraiyur.

+ 1 CC TO Mr.K.THIRUVENGADAM, ADVOCATE IN SR No. 87349

CP
TE/SKN/SAR-4 : 14/11/2018 : 2P/3C

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