



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:06.02.2018

CORAM

THE HON'BLE MR.JUSTICE P.RAJAMANICKAMCrl.O.P.(MD) No.13573 of 2013andM.P.(MD) No.1 of 2013

Sumathi K.Prasad

... Petitioner/Accused -3

-Vs-

S.Purushothaman

... Respondent/Complainant

Prayer: Criminal Original petition filed under Section 407 of Code of Criminal Procedure, to withdraw and transfer the case in S.T.C.No.1210 of 2007 from learned Judicial Magistrate Court, Sattankulam to Judicial Magistrate No.1, Udumalpat, Coimbatore District.

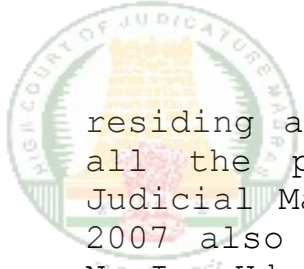
For Petitioner : Mr.S.Ravi

For Respondent : No appearance

O R D E R

This petition has been filed by the third accused to withdraw the case in S.T.C.No.1210 of 2007 from the file of Judicial Magistrate Court, Sathankulam and transfer to the file of judicial Magistrate No.1 Udumalpet, Coimbatore District.

2. The learned counsel for the petitioner has submitted that the respondent herein has filed a complaint under Section 138 of Negotiable Instrument Act against the petitioner herein and three others. Based on the said complaint the learned Judicial Magistrate, Sathankulam, has taken the case in S.T.C.No.1210 of 2007 and the same is still pending before that Court. He further submitted that the respondent herein has also filed another case in C.C.No.2773 of 2006 on the file of the VII Metropolitan Magistrate Court, George Town, Chennai, against the petitioner herein and three others. He further submitted that the respondent herein has filed a Crl.O.P No.26317 of 2007 before this Court at Principal seat, to transfer C.C.No.2773 of 2006 from the file of VII Metropolitan Magistrate Court, George Town, Chennai to the file of Judicial Magistrate No.I, Udumalpet, stating that all the parties are residing within the jurisdiction of Judicial Magistrate No.I, Udumalpet and considering the same, the said criminal original petition was allowed on 23.04.2009. He further submitted that with a view to harass the petitioner herein, purposefully the respondent has filed a case in S.T.C.No.1210 of 2007 before the Judicial Magistrate, Sathankulam, by saying that he is



residing at Tuticorin District. He further submitted that since all the parties are residing within the jurisdiction of the Judicial Magistrate No.I, Udumalpet, the case in S.T.C.No.1210 of 2007 also may be transferred to the file of Judicial Magistrate No.I, Udumalpet.

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3.Though the respondent has appeared before this court through his counsel in previous hearing, today there is no representation for the respondent. Hence after hearing the petitioner's side arguments and perusing the records, orders being passed.

4.A perusal of the copy of the order passed by the principal seat of this Court in Crl.O.P.No.26317 of 2007 shows that the respondent herein has filed the said criminal original petition to transfer the C.C.No.2773 of 2006 from the file of VII Metropolitan Magistrate Court, George Town, Chennai, to the file of Judicial Magistrate No.I, Udumalpet. In that criminal original petition, he has filed an affidavit. In that affidavit, he has stated that all the parties are residing within the jurisdiction of the Judicial Magistrate No.I, Udumalpet. So it is clear that both the parties are residing only within the jurisdiction of Judicial Magistrate No.I, Udumalpet and hence this petition has to be allowed.

5.In the result, this petition is allowed. The case in S.T.C.No.1210 of 2007 is withdrawn from the Judicial Magistrate Court, Sathankulam and transferred to Judicial Magistrate No.I Court, Udumalpet, Coimbatore District (Now in Tiruppur District) for disposal in accordance with law. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

1.The Judicial Magistrate, Sathankulam.

2.The Judicial Magistrate No.1, Udumalpet, Tiruppur District.

+1cc to Mr.S.Ravi, Advocate Sr.No.47106

CP/TM

VB/KK/SAR4/08/03/2018/2P/4C

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