

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P. No.19936 of 2013 and
CrI.M.P.No.1 of 2013

R.Neelamegam

.. Petitioner

Vs.

1. M/s.Seven seas Polymers Pvt., Ltd.,
Rep. by its Director,
Mr.P.V.Prabu,
No.37/1-A, Madakulam Main Road,
Near GRT Hotel, Palanganatham,
Madurai-625 003.

2. M/s.M.P.R.Marketing,
Rep. by its Prop.R.Neelamegam,
Muruganpalayam Village,
Kodumudi Via,
Erode-638 151.

.. Respondents

PRAYER :

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to withdraw the S.T.C.No.394 of 2012 pending on the file of the Fast Track Magistrate Court No.I, at Madurai and transfer the same to the Judicial Magistrate VI at Coimbatore and to be tried along with C.C.No.617 of 2012.

For Petitioner : M/s.S.P.Arthi

For R1 : M/s.R.Muthappan
R.D.Ganesan

O R D E R

Criminal Original Petition filed to withdraw the S.T.C.No.394 of 2012, pending on the file of the Fast Track Magistrate Court No.I, Madurai and transfer the same to the Judicial Magistrate No.VI, Coimbatore to be tried along with C.C.No.617 of 2012.

2.The petitioner is A2 in S.T.C.No.394 of 2012, pending on the file of the Fast Track Magistrate Court No.I, Madurai.

The 1st respondent is the complainant, who filed a private a complaint for the offence under Section 138 of the Negotiable Instruments Act against the petitioner and the 2nd respondent.

3.The contention of the learned counsel for the petitioner is that the 1st respondent is carrying on business of buying and selling all kinds of Plastic Granules Materials, having Head Office at Coimbatore and branches at various parts of the state. M/s.A.T.Polymer Agency Private Limited, is the 1st respondent's sister company dealing with the same materials and they have registered office at No.49-A, Nava India Road, Opposite to Ramakrishna Dental College, K.R.Puram, Coimbatore.

4.He further submitted that the petitioner was employed as Data Entry Operator in the respondent's branch office at Madurai and Tanjavur from the year 2005 and he stayed in a portion of the building from which the said company functions and he was very favour to the satisfaction of the respondent. The petitioner had trouble in congenital spinal cord and he was undergoing continuous treatment for it, which fact was not known to the respondent and the petitioner was unable to carry on with his daily course independent by and needs a support for his movement. The petitioner left from Madurai during July 2012 under the hope of coming back soon after treatment and hence, the petitioner left all his belongings at the office of the respondent in Madurai. The Manager of the respondent company had swindled huge sum of money from the respondent company. The said Manager making use of the absence of the petitioner took the cheque and filled up the same and used against the petitioner as though the petitioner has got some liability towards the respondent.

5.The petitioner submits that due to his health condition, the petitioner is now staying at Kodumudi, Erode, which is far away from Madurai and he is unable to attend the Court. Hence he prays that the case may be transferred from Madurai to Kodumudi, Erode. Further, the learned counsel appearing for the petitioner relied upon the case of Bhaskar Industries Ltd. Vs. Bhiwani Denim & Apparels Ltd. & others reported in (2001) 7 SCC 401 : 2001 SCC (Cri) 125. The petitioner is already facing the trial with regard to yet another cheque case in Tanjavur and this ground of physical impediment has been created for the purpose of these cases.

6.The petitioner has produced the scan report and medical certificate for taking treatment for his spine and spondylosis problem. Considering the same, the personal appearance of the petitioner is dispensed with and the Trial Court is directed not to insist the petitioner to appear on all hearing dates and he shall be represented by a counsel after filing appropriate

application. The petitioner shall be present before the trial Court at the time of questioning and at the time of passing Judgment.

7. Accordingly, this Criminal Original Petition stands dismissed. Since the case is of the year 2014, the major part of the trial is almost over. In view of the above, the trial Court is directed to dispose of the case, within a period of four months from the date of receipt of a copy of this order. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

vv2

To

1. Fast Track Magistrate Court - I,
Madurai.

2. The Judicial Magistrate-VI,
Coimbatore.

+1cc to M/s.R.Muthappan, Advocate, S.R.No.21345

+1cc to M/s.S.P.Arthi, Advocate, S.R.No.21394

CrI.O.P.No.19936 of 2013

RR(CO)
CS/15/05/2019

सत्यमेव जयते

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