

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2019

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.15257 of 2016

and

Crl.M.P.No.7637 of 2016

M/s.Maestro Advertisers,
rep.through its partner,
Y.Mohideen Risvi,
D.N.25/B2, 2nd floor,
S.R.C. Complex, S.N.High Road,
Tirunelveli-11 ... Petitioner/Complainant

Vs.

S.N.Thiyagarajan,
Director,
Aarthis International Pvt. Ltd.,
37-3rd Main Road,
Kottur Garden, Kotturpuram,
Chennai-85. ... Respondent/Accused

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to direct the learned Fast Track Court No.III/Judicial Magistrate level, Saidapet, Chennai, not to transfer the case in S.T.C.No.733 of 2015 on the file of the Fast Track Court No.III/Judicial Magistrate level, Saidapet, Chennai to the learned Judicial Magistrate No.IV, Tirunelveli.

For Petitioner : Mr.P.Dhanasekaran

For Respondents : No appearance.

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O R D E R

This petition has been filed to direct the learned Fast Track Court No.III/Judicial Magistrate level, Saidapet, Chennai, not to transfer the case in S.T.C.No.733 of 2015 to the learned Judicial Magistrate No.IV, Tirunelveli.

2.The petitioner is a partnership firm registered under Partnership Act and involved in doing advertising business. On the other hand, the respondent is a Director of Aarthi's

International Pvt. Ltd., involved in doing ' Call Taxi ' business. The respondent/accused had approached the petitioner's company and entered into an agreement for advertising and also published the respondent's company advertisement in the media. At the time of placing order, the respondent issued a cheque for a sum of Rs.3,24,271/- drawn at Corporation Bank, Chennai, towards advertisement charges. When the petitioner presented the cheque for payment at Axis Bank, Tirunelveli, it was returned "Funds insufficient". Again he presented the cheque at Kodambakkam Branch, Chennai, it was returned "Funds insufficient". Hence, the petitioner lodged a private complaint before the learned Judicial Magistrate No.IV, Tirunelveli, in S.T.C.No.199 of 2014.

3.The learned counsel for the petitioner submitted that as per the judgment of apex Court reported in (2014) SCC 129 Dashrath Rupsingh Rathod Vs. State of Maharashtra and another, the case was transferred to the file of Fast Track Court II, Judicial Magistrate level, Saidapet, Chennai and renumbered as S.T.C.No.733 of 2015 and the same was posted for appearance of the parties. Though petitioner appeared before the said court, the respondent did not appear. Hence, non-bailable warrant was issued. Thereafter, due to the amendment came into force under Section 142(2) N.I.Act, the case was again to be transferred back to Tirunelveli. Hence, the petitioner has filed the present petition with the aforesaid prayer.

4.Heard Mr.P.Dhanasekaran, learned counsel appearing for the petitioner and perused the materials placed on record.

5.It is seen that the private complaint was lodged in the year 2015 and the case is under trial before the learned Judicial Magistrate, Fast Track Court No.III, Saidapet. The prayer sought for by the petitioner cannot be considered now after a lapse of four years.

6.Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (AD W)

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate No.IV,
Tirunelveli.

2.The Judicial Magistrate,
Fast Track Court No.III,
Saidapet,
Chennai.

CrI.O.P.No.15257 of 2016
and
CrI.M.P.No.7637 of 2016

NRJ (CO)

RRS (18/06/2019)



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