

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.R.C.No.399 of 2018
and
Crl MP.4823 of 2018

P.Jayaseelan

... petitioner

Vs.

N.Boopathi

..Respondent

Prayer: This Criminal revision is filed under Section 397 r/w.401 of Criminal Procedure Code to set aside the order dated 27.02.2018 made in TR.CMP.No.1 of 2018 in CC.No.36 of 2012 on the file of the Judicial Magistrate-I, Namakkal.

For petitioner : M/s.M.Andal Revathi
for Mr.K.anbarasan.

For Respondent : Mr.Venkataswamy Babu

O R D E R

This Criminal revision is filed to set aside the order dated 27.02.2018 made in TR.CMP.No.1 of 2018 in CC.No.36 of 2012 on the file of the Judicial Magistrate-I, Namakkal.

2. The respondent is the complainant filed private complaint under Section 200 Cr.PC for the offence under Section 138 of Negotiable Instruments Act before the Judicial Magistrate No.I, Namakkal in CC.No.36 of 2012.

3. During the pendency of the case some of the counsel appearing for the revisions petitioner/accused came to the respondent/complainant and threatened, he apprehend that the complaint cannot be proceeded further and it is not safe to appear and to conduct the case before the Judicial Magistrate No.I, Namakkal. Hence, the complainant filed transfer petition before the Chief Judicial Magistrate to transfer the CC.No.36 of 2012 from the file of Judicial Magistrate No.I, Namakkal to any other Court within the jurisdiction of Namakkal. The learned Chief Judicial Magistrate after obtaining report from the Judicial Magistrate No.I, Namakkal, transferred the CC.No.36 of 2012 from the file of Judicial Magistrate No.I, Namakkal to the file of Judicial Magistrate, Paramathi with a direction to

transmit all the records. Challenging the said order, the revision petitioner/accused is before this Court.

4. Heard the learned representing counsel for the petitioner and the learned counsel for the respondent.

5. Since, the matter involved is transferring the case from one Court to another Court. Even the case is tried from Paramathi Court, no prejudice would be caused to the revision petitioner/accused. The distance between the Namakkal to Paramathi is not much far away. This Court does not find any perversity in the order passed by the learned Chief Judicial Magistrate, moreover, the order was passed only after receiving the report from the Judicial Magistrate No.I, Namakkal, where the case was pending.

6. In the result, the criminal revision is dismissed. The Judicial Magistrate No.I, Namakkal is directed to transmit the entire records to the file of Judicial Magistrate, Paramathi, forthwith. If the records are already received by the Judicial Magistrate, Paramathi, the Judicial Magistrate, Paramathi is directed to dispose of the case in accordance with law within a period of three months from the date of receipt of copy of this order.

Sd/-
Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

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To

1. The Chief Judicial Magistrate, Namakkal.

2. The Judicial Magistrate No.I, Namakkal.

3. The Judicial Magistrate, Paramathi.

+1cc to Mr.K.Anbarasan, Advocate SR.No.36372(17/06/2019)

Cr1.R.C.No.399 of 2018

MP (CO)
GMY (16/04/2019)