



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.09.2019

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P (MD) Nos.11763, 11794 and 11795 of 2019

and

CrI.MP(MD) Nos.7387, 7389, 7419 to 7422 of 2019

WEB COPY

S.Loganathan

... Petitioner in all
petitions

Vs

Sree Ganga Finance rep. by
its Partner K.S.Rajavel
32,Big Chetty Street, Trichy

... Respondent in
CrI.O.P.11763/19

P.Veerappan

... Respondent in
CrI.O.P.11794/19

Sri Santhosimatha Finance rep. by
its Partner K.S.Rajavel

... respondent in
CrI.O.P.11795/19

PRAYER: Criminal Original Petitions filed under Section 482 of Cr.P.C, praying to withdraw the proceedings in S.T.C.No.427, 402 and 401 of 2011 on the file of the Judicial Magistrate No.2, Trichy and transfer the same to any other Court in any other District.

For Petitioner : Mr.Kingston Jerold
(For All Petitions)
For Respondents : Mr.R.Sundar
(For All Petitions)

COMMON O R D E R

These petitions have been filed by the petitioner to withdraw the proceedings in S.T.C.No.427, 402 and 401 of 2011 on the file of the Judicial Magistrate No.2, Trichy and transfer the same to any other Court in any other District.

2.The learned counsel appearing for the petitioner would submit that originally totally there are two accused in S.T.C.No.427, 402 and 401 of 2011 on the file of the Judicial Magistrate No.2, Trichy and the second accused is the wife of the petitioner herein. However, she filed quash petitions before this Court on the ground that since the second accused is the wife of the 1st accused, she has been falsely implicated in these cases and hence, this Court, by considering the facts and circumstances of



the case, quashed the complaints as against the second accused and the cases are now pending as against the 1st accused/ the petitioner herein alone.

3.The learned counsel appearing for the petitioner would further submit that since the Judicial Officer advised the complainant to file an application under Section 143 A of Negotiable Instrument Act to impose some conditions on the petitioner. Therefore, if the trial continues before the same Court/Judicial Officer, the petitioner would not get fair trial and justice from the concerned Court and hence, he sought for transfer of the case to be tried by any other Court in any other District.

4.The learned counsel appearing for the respondents would submit that though, originally, the cases have been taken on file as Calender Cases, subsequently, it was converted into Summary Trial Cases and the same are pending before the learned Judicial Magistrate No.2, Trichy from the year 2011 without any progress. He would further submit that the petitioner used to lodge so many complaints as against every Judicial Officers and hence, the trial could not be proceeded further. Therefore, he sought for dismissal of the application.

5.Heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondents in all the petitioners and perused the materials available on record.

6.The petitioner is an accused. The respondent/complainant initiated proceedings under Negotiable Instruments Act. In all the three cases, originally, there are two accused persons. The second accused is the wife of the 1st accused herein. Hence, she filed quash petitions before this Court to quash the complaint as against the 2nd accused alone. Accordingly, the complaints as against the 2nd accused were quashed. Now, the reason stated in the petition seeking transfer of trial is that the learned Judicial Magistrate No.2, Trichy directed the complainant to file an application under Section 143 A of Negotiable Instrument Act. If the trial continues before the same Court, according to the petitioner, he would not get fair trial and justice before the said Court.

7.Perusal of the records would show that the cases are pending from the year 2011 and by this time, so many Judicial Officers have been changed in the said Court. Now, the case are pending for trial. At this stage, the present petitions have been filed by the petitioner only to drag on the proceedings. Therefore, this Court is not inclined to transfer the proceedings in S.T.C.No.427, 402 and 401 of 2011 from the file of the Judicial



Magistrate No.2, Trichy to any other Court.

8. Accordingly, these criminal original petitions are dismissed. However, the trial Court viz., the learned Judicial Magistrate No.2, Trichy is directed to complete the trial, within a period of three months from the date of receipt of a copy of this order and pass orders in these cases. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar (CS)

Arul
To

The Judicial Magistrate No.2,
Trichy.

+6 CC to M/s.S.KINGSTON JEROLD, Advocate (SR-86399,86398&86399[F]
dated 12/09/2019)

+1 CC to M/s.R.SUNDAR, Advocate (SR-86628[F] dated 13/09/2019)

Order made in
CRL.O.P (MD) Nos.11763, 11794 and 11795 of 2019
12.09.2019

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