



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.08.2019

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

CRL.O.P. (MD) .No.13933 of 2014

and

M.P. (MD) .No.1 of 2014

Venkatesan : Petitioner

Vs.

Subbarayulu : Respondent

PRAYER: Petition is filed under Section 482 of Criminal Procedure Code to withdraw the complaint and transfer the case in S.T.C.No.1018 of 2013, on the file of the Judicial Magistrate Court, Paramakudi to any other Judicial Magistrate Court at Madurai or any other District.

For Petitioner : Mr.Muthumalai Raja
Legal Aid Counsel
For Respondent : Mr.M.S.Jeyakarthick

ORDER

Today, when the matter came up for hearing, the learned counsel appearing for the petitioner reports no instructions from the petitioner and he also seeks permission to withdraw his appearance.

2.The learned counsel appearing for the second respondent is permitted to withdraw his appearance. In the above circumstances, Mr.Muthumalai Raja, learned counsel, is appointed as a Legal Aid Counsel to represent on behalf of the petitioner.

3.This Criminal Original Petition has been filed to transfer the case pending in S.T.C.No.1018 of 2013, on the file of the Judicial Magistrate Court, Paramakudi, to any other Judicial Magistrate, Madurai.

4.The petitioner is the sole accused in S.T.C.No.1018 of 2013, for the offences under Section 138 of the Negotiable Instruments Act. Now, the present application has been filed on the ground that the respondent and his men have threatened the petitioner and forcefully prevented him from attending the Court. In the above circumstances, the present petition has been filed.

5.On perusal of record, it is seen that a bald averment has



been made in the petition that the petitioner has been prevented from attending the Court and there is no material to substantiate the claim, even though, a complaint has been filed in the Paramakudi Police Station, there is nothing on record to show that the petitioner has been prevented from attending before the Court. It is also seen that now a Non Bailable Warrant is also pending against him. In the above circumstances, I am of the view that only in order to delay proceedings, the present petition has been filed. I find no reason to transfer the case from the Judicial Magistrate Court, Paramakudi to any other Judicial Magistrate Court. Hence, I find no merit in the Criminal Original Petition and the same stands dismissed accordingly. Consequently, the connected miscellaneous petition is closed.

6.The Legal Aid Authority is directed to pay the fees to the legal aid counsel.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

tsg

To

- 1.The Judicial Magistrate Court, Paramakudi.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

The Secretary,
Legal Aid Authority,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-80486[F] dated 08/08/2019)

+1 cc Mr.S.C.HEROLD SINGH ,Advocate, SR.No. 80466

+1 CC to M/s.S.MUTHUMALAIRAJA, Advocate (SR-80586[F] dated 08/08/2019)

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KK/SAR/05.09.2019/2P-7C/