



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2019

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P (MD) No.14187 of 2019

and

Cr1.M.P. (MD) Nos.8605 and 8606 of 2019

WEB COPY

P.Sasikala

... Petitioner /Accused

Vs

1.P.Selvaraj

... Respondent / Complainant

PRAYER: Criminal Original Petitions filed under Section 482 of Cr.P.C, praying to transfer the case in C.C.No.42/2019 on the file of the Judicial Magistrate (Fast Track) at Uthamapalayam, Theni District to any one of the Judicial Magistrate, Madurai District.

For Petitioner : Mr.J.Jeyakumaran

For Respondent : Mr.A.Prasanna Rajadurai

O R D E R

This petition has been filed by the petitioner to transfer the case in C.C.No.42/2019 on the file of the Judicial Magistrate (Fast Track) at Uthamapalayam, Theni District to any one of the Judicial Magistrate, Madurai District.

2.The learned counsel appearing for the petitioner would submit that the petitioner is suffering from Sercre Cernical Spendylasio with rediculpathy and is advised bed rest minimal activity for 6 months from 1.9.2019 to 29.02.2020 for the same and hence, since the petitioner has to take rest, he could not travel to Uthamapalayam for every hearing and hence, she seeks transfer.

3.The learned counsel appearing for the respondent would submit that the petitioner borrowed money and in order to repay the said amount, she issued cheques and when it was presented for collection, the same was returned dishonoured and hence, after causing statutory notice, the respondent initiated proceedings under Section 138 of N.I.Act and now, only to drag the proceedings, the present petition has been filed and the petitioner never appeared before the trial Court even for a single hearing.

4.Heard both sides.

5.It is seen that the respondent initiated proceedings punishable under Section 138 and 142 of the Negotiable Instrument Act. Now, the petitioner raised only one ground on medical ground to transfer the entire proceedings from the file of the Judicial Magistrate, Uthamapalayam to the file of any one of the Judicial



Magistrate Court in Madurai District.

6.It is seen from the certificate issued by A.C.Hospital, Madurai, the petitioner was advised to take bed rest for 6 months. On that ground alone, the entire proceedings cannot be transferred. Accordingly, this criminal original petition is dismissed. Consequently, connected miscellaneous petitions are also dismissed. However, considering the physical illness of the petitioner, the personal appearance of the petitioner is dispensed before the trial Court upto 29.02.2020 and thereafter, she is directed to appear before the trial Court regularly. It is also made clear that the trial Court is directed to proceed with the trial in C.C.No.42 of 2019 and dispose of the same, within a period of 6 months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (w)

// True Copy //

Sub Assistant Registrar(CS)

To

The Judicial Magistrate (Fast Track)
at Uthamapalayam, Theni District

+1 CC to M/s.S.RATHINAVEL, Advocate (SR-97407[F] dated 11/11/2019)
+1 CC to M/s.J.JEYAKUMAR, Advocate (SR-97611[F] dated 12/11/2019)

Order made in
CRL.O.P (MD) No.14187 of 2019
11.11.2019

arul /sma/29/11/19/2p/4c