



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.12.2019**

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**
Cr1.O.P. [MD].No.16518 of 2019
and
Cr1.M.P. [MD].No.9843 of 2019

K.P.Padmanaban

: Petitioner

Vs.

A.Jeyaraman

: Respondent

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to transfer the case pending in S.T.C.No.152 of 2016, from the file of the Judicial Magistrate, Fast Track Court, Uthamapalayam to Judicial Magistrate Court No.II, Dindigul or any other district Court with a direction to complete the trial within the period that may be stipulated by this Court.

For Petitioner : Mr.J.Sulthan Basha
for M/s.Ajmal Associates

For Respondent : Mr.P.Mahendran

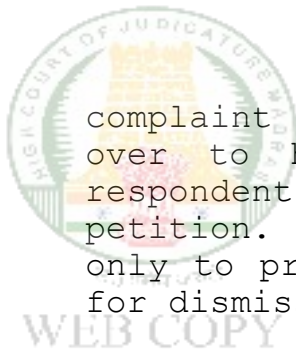
ORDER

The Criminal Original Petition has been filed seeking to transfer the case pending in S.T.C.No.152 of 2016, from the file of the learned Judicial Magistrate, Fast Track Court, Uthamapalayam to Judicial Magistrate Court No.II, Dindigul or any other Court with a direction to complete the trial within the period that may be stipulated by this Court.

2.The petitioner is an accused facing trial in S.T.C.No.152 of 2016, on the file of the learned Judicial Magistrate, Fast Track Court, Uthamapalayam, for the offence punishable under Section 138 of Negotiable Instruments Act.

3.The learned counsel for the petitioner would submit that the petitioner is facing various cases before the various Courts. He would further submit that the petitioner's cheque has been stolen and misused by several persons, in view of the same various case are pending before the various Courts and that for the purpose of joint trial, he would seek for transfer.

4.The learned counsel for the respondent would submit that the



complaint filed by the respondent in respect of the cheque handed over to him towards an amount of Rs.2,00,000/- and that the respondent has nothing to do with the other averments made in this petition. He would further submit that the petition has been filed only to protract the trial and delay the process. Hence, he seeks for dismissal of this petition.

5.This Court is of the opinion that the petitioner has not made out valid ground for transferring the case.

6.At this juncture, the learned counsel for the petitioner would submit that apart from this case, the petitioner is also facing several other cases and the hearing dates before various Courts falls on the same day and it is difficult for the petitioner to appear before the trial Court on the date fixed and thereby, he would seek that the presence of the petitioner before the trial Court may be dispensed with, unless the presence is inevitable for the progress of trial.

7.The petitioner shall file an affidavit of undertaking that he will be duly represented by a counsel on all hearing dates and that he will cross examine P.W.1 on 30.12.2019 and will cross examine the other witnesses on the the same day of their examination in chief and further he would be present on the date of questioning under Section 313 of Cr.P.C. and also at the time of pronouncement of judgement. The petitioner shall not dispute the identity of the witnesses. The petitioner shall appear before the Court in the event his presence is insisted by the trial judge for the purpose of identification or for the progress of trial. If the petitioner adopts any dilatorial tactics, it is open to the Trial Court to insist for his appearance and deal with the petitioner in accordance with the judgment of Supreme Court of India, ***in State of Uttar Pradesh Vs. Shambunath Singh***, reported in ***2001 (4) SCC 667***.

8.Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected Miscellaneous Petition is closed. Since the case is of the year 2016, the Judicial Magistrate, Fast Track Court, Uthamapalayam, shall take every endeavour to dispose of trial in S.T.C.No.152 of 2016 as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar(CS)



The Judicial Magistrate, Fast Track Court,
Uthamapalayam.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-104407[F] dated
11/12/2019)

+1 CC to M/s.P.MAHENDRAN, Advocate (SR-104742[F] dated 12/12/2019)

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10.12.2019

KK/SAR/06.01.2020/3P-4C/