



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P. (MD).No.10659 of 2017

and

Crl.M.P(MD)Nos.7309 and 7310 of 2017

P.Karunakaran

... Petitioner/Accused

Vs.

M.Regu

... Respondent/ Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to withdraw the case in S.T.C.No.100 of 2016 from the file of the Fast Track Judicial Magistrate No.I, Nagercoil and transfer the same to the learned Judicial Magistrate, Valliyoor, Tirunelveli District.

For Petitioner : Mr.P.Saravanakumar

For Respondent : Mr.M.V.Sreenivasan

O R D E R

This Criminal Original Petition has been filed seeking transfer of S.T.C.No.100 of 2016 pending on the file of the learned Fast Track Judicial Magistrate No.I, Nagercoil, to the file of learned Judicial Magistrate, Valliyoor, Tirunelveli District.

2. The petitioner is an accused in S.T.C.No.100 of 2016. The allegations made in the affidavit shows that the petitioner borrowed a sum of Rs.3,00,000/- from the respondent, for which, he issued a cheque. When the cheque was presented in the bank, the same was returned with an endorsement 'Account Closed'. Thereafter, the respondent issued legal notice to the petitioner and filed a private complaint before the learned Judicial Magistrate No.I, Nagercoil.

3. When the petitioner wanted to engage a counsel to appear for him before the Court below, he found that the respondent is a practicing Advocate at Nagercoil. More over, the counsel for the respondent in the lower Court is close relative to the respondent.

<https://hcservices.gov.in/hcservices/> The petitioner left with no other option, has



approached this Court seeking for transfer of the proceedings.

4. Heard the learned counsel for the petitioner and the learned Counsel appearing on behalf of the respondent.

5. Taking into consideration the facts and circumstances of the case and in order to ensure fair trial to the petitioner, this Court is satisfied that the proceedings will have to be transferred to some other Court. The proceedings in S.T.C.No.100 of 2016 pending on the file of the Fast Track Judicial Magistrate No.I, Nagercoil, is withdrawn and transferred to the file of learned Judicial Magistrate, Valliyoor. The Fast Track Judicial Magistrate No.I, Nagercoil shall send the entire case records within a period of two(02) weeks from the date of receipt of a copy of this order to the learned Judicial Magistrate, Valliyoor. The learned Judicial Magistrate, Valliyoor shall immediately on receipt of the case records renumber the case and shall proceed further in accordance with law and complete the proceedings within a period of three months thereafter.

6. Accordingly, the Criminal Original Petition is disposed of with the above directions. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

Sub Assistant Registrar(CS)

das

To

1.The Fast Track Judicial Magistrate No.I,
Nagercoil.

2.The Judicial Magistrate,
Valliyoor.

+1 CC to M/s.S.ALAGUSUNDAR, Advocate (SR-88650[F] dated
23/09/2019)

Order made in
Crl.O.P.(MD).No.10659 of 2017

and
Crl.M.P(MD)Nos.7309 and 7310 of 2017

Dated:
20.09.2019