

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2020

CORAM:

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.No.24716 of 2016

and

Crl.M.P.No.11889 of 2016

Nirmala Samuvel

..Petitioner/Accused

Vs.

R.Sellapandiyan

..Respondent/complainant

Criminal Original Petition filed under Section 482 Cr.P.C. to transfer the case in S.T.C.No.255 of 2016 on the file of the Judicial Magistrate Court, Ariyalur, to any other competent Court in Chennai to try the same.

For Petitioner : Mr.E.C.Ramesh

For Respondent : No appearance

O R D E R

This criminal original petition has been filed seeking to transfer the case in S.T.C.No.255 of 2016 on the file of the Judicial Magistrate Court, Ariyalur, to any other competent Court in Chennai to try the same.

2. For the sake of convenience, the parties will be referred to by their names.

3. Sellapandiyan (complainant) initiated a prosecution in S.T.C.No.255 of 2016 in the Court of Judicial Magistrate, Ariyalur, under Section 138 of the Negotiable Instruments Act, 1881, against Nirmala Samuvel (accused).

4. Nirmala Samuvel (accused) has filed this present petition to transfer the said case from Ariyalur to Chennai on various grounds set out in her affidavit.

5. Heard Mr.E.C.Ramesh, learned counsel for Nirmala Samuvel (accused). Notice was served on Sellapandiyan (complainant) and the report from the trial Court shows that he is not living in the given address. Nirmala Samuvel (accused) is present before this Court.

6. It is the case of Nirmala Samuvel (accused) that she is being intimidated by a group of persons including some lawyers as and when she goes for the hearing in Ariyalur and hence, she is praying for transfer of the case.

7. It is seen that there are similar cases filed by certain other persons against Nirmala Samuvel (accused) and those cases are pending on the file of the Judicial Magistrate Court No.II, Gobichettipalayam. Instead of transferring the case from Ariyalur to Chennai as prayed for by Nirmala Samuvel (accused), interests of justice will be served if the case is transferred to the file of the Judicial Magistrate Court No.II, Gobichettipalayam, for trial.

8. In the result, this criminal original petition is partly allowed with the following directions:

- The case in S.T.C.No.255 of 2016 is transferred from the file of the Judicial Magistrate Court, Ariyalur, to the file of the Judicial Magistrate Court No.II, Gobichettipalayam, for trial;
- The Judicial Magistrate, Ariyalur, shall inform the learned counsel on record for Sellapandiyan (complainant) about this order in writing and transfer the records to the file of the Judicial Magistrate Court No.II, Gobichettipalayam within two weeks from the date of receipt of a copy of this order;
- Nirmala Samuvel (accused) shall appear before the Judicial Magistrate Court No.II, Gobichettipalayam, without waiting for further summons from that Court; and
- The trial Court shall ensure the safety of Nirmala Samuvel (accused), whenever she appears in the Court.

Connected CrI.M.P. is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

nsd

To

1.The Judicial Magistrate,
Ariyalur.

2.The Judicial Magistrate No.II,
Gobichettipalayam.

+lcc to Mr.E.C.Ramesh, Advocate, S.R.No.38589

CrI.O.P.No.24716 of 2016

SSI (CO)
KKV/21/12/2020



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