

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2020

CORAM:

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.No.24718 of 2016

and

Crl.M.P.No.11893 of 2016

Nirmala Samuvel

..Petitioner/Accused

Vs.

K.Madankumar

..Respondent/complainant

Criminal Original Petition filed under Section 482 Cr.P.C. to transfer the case in S.T.C.No.491 of 2016 on the file of the District Munsif-cum-Judicial Magistrate Court, Perundurai, to any other competent Court in Chennai to try the same.

For Petitioner : Mr.E.C.Ramesh

For Respondent : Mr.N.Subramani

O R D E R

This criminal original petition has been filed seeking to transfer the case in S.T.C.No.491 of 2016 on the file of the District Munsif-cum-Judicial Magistrate Court, Perundurai, 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. Madankumar (complainant) initiated a prosecution in S.T.C.No.491 of 2016 in the Court of District Munsif-cum-Judicial Magistrate, Perundurai, 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 Perundurai to Chennai on various grounds set out in her affidavit.

5. Heard Mr.E.C.Ramesh, learned counsel for Nirmala Samuvel (accused) and Mr.N.Subramani, learned counsel for Madankumar (complainant). Nirmala Samuvel (accused) is present before this Court.

6. The learned counsel for Nirmala Samuvel (accused) submitted that instead of transferring the case to Chennai, the case may be transferred to the file of the Judicial Magistrate Court No.II, Gobichettipalayam, where, there are similar cases filed by various persons against Nirmala Samuvel (accused).

7. The learned counsel for Madankumar (complainant) submitted that the complainant has no objection for transferring the case from the file of the District Munsif-cum-Judicial Magistrate Court, Perundurai, to the file of the Judicial Magistrate Court No.II, Gobichettipalayam.

8. In the opinion of this Court, interests of justice will be served if the case is transferred to the file of the Judicial Magistrate Court No.II, Gobichettipalayam, for trial.

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

- The case in S.T.C.No.491 of 2016 is transferred from the file of the District Munsif-cum-Judicial Magistrate Court, Perundurai, to the file of the Judicial Magistrate Court No.II, Gobichettipalayam, for trial;
 - The District Munsif-cum-Judicial Magistrate, Perundurai, shall inform the learned counsel on record for Madankumar (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; and
 - Nirmala Samuvel (accused) shall appear before the Judicial Magistrate Court No.II, Gobichettipalayam, without waiting for further summons from that Court.
 - 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

//True Copy//

Sub Assistant Registrar

To

1.The District Munsif-cum-Judicial Magistrate,
Perundurai

2.The Judicial Magistrate No.II,
Gobichettipalayam.

+lcc to Mr.E.C.Ramesh, Advocate in Sr.38588

Cr1.O.P.No.24718 of 2016

GP (CO)
RV (18/12/2020)



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