

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2020

CORAM:

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CrI.O.P.No.24719 of 2016
and
CrI.M.P.No.11895 of 2016

Nirmala Samuvel ... Petitioner/Accused
Vs.

K.Sekar ... Respondent/complainant

Criminal Original Petition filed under Section 482 Cr.P.C. to transfer the case in C.C.No.27 of 2016 on the file of the Judicial Magistrate Court No.I, Namakkal, to any other competent Court in Chennai to try the same.

For Petitioner : Mr.E.C.Ramesh
For Respondent : Mr.C.Thangaraju

O R D E R

This criminal original petition has been filed seeking to transfer the case in C.C.No.27 of 2016 on the file of the Judicial Magistrate Court No.I, Namakkal, 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. Sekar (complainant) initiated a prosecution in C.C.No.27 of 2016 in the Court of Judicial Magistrate Court No.I, Namakkal, 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 Namakkal to Chennai on various grounds set out in her affidavit.

5. Heard Mr.E.C.Ramesh, learned counsel for Nirmala Samuvel (accused) and Mr.C.Thangaraju, learned counsel for Sekar (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. 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.

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

- The case in C.C.No.27 of 2016 is transferred from the file of the Judicial Magistrate Court No.I, Namakkal, to the file of the Judicial Magistrate Court No.II, Gobichettipalayam, for trial;
- The Judicial Magistrate No.I, Namakkal, shall inform the learned counsel on record for Sekar (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 Crl.M.P. is closed.

Sd/-

Assistant Registrar

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

nsd

To

1.The Judicial Magistrate No.I,
Namakkal.

2.The Judicial Magistrate No.II,
Gobichettipalayam.

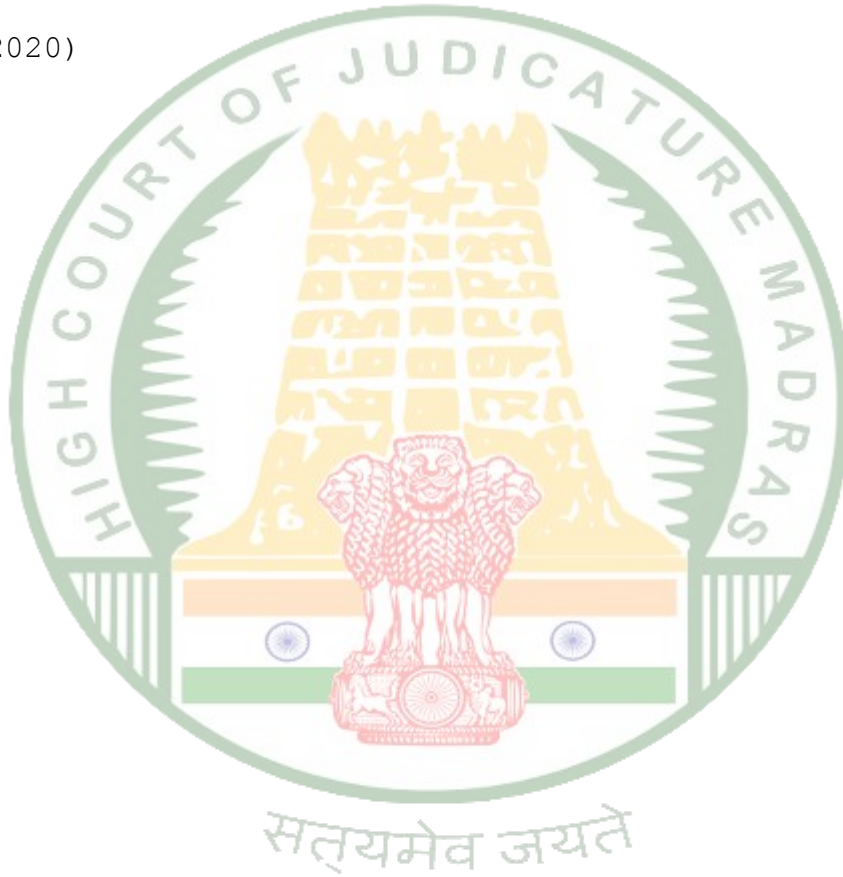
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3.Nirmal Samuvel,
W/o.Samuvel,
Nirmal Cottage,
Door No. 30, Erode Main Road,
Gobichettipalayam Village and Post,
Erode.

+1cc to Mr.E.C.Ramesh, Advocate, S.R.No. 38587

Crl.O.P.No.24719 of 2016

PVS (CO)
GN(10/12/2020)



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