

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2020

CORAM:

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.No.26942 of 2016

and

Crl.M.P.Nos.13554 & 13555 of 2016

Nirmala Samuvel

.. Petitioner/Accused

Vs.

G.S.Venkatesamurthy

.. Respondent/complainant

Criminal Original Petition filed under Section 482 Cr.P.C. to transfer the case in S.T.C.No.1828 of 2016 on the file of the Judicial Magistrate Court No.I, Gobichettipalayam, to any other competent Court in Chennai to try the same.

For Petitioner : Mr.E.C.Ramesh

For Respondent : No appearance

ORDER

This criminal original petition has been filed seeking to transfer the case in S.T.C.No.1828 of 2016 on the file of the Judicial Magistrate Court No.I, Gobichettipalayam, 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. Venkatesamurthy (complainant) initiated a prosecution in S.T.C.No.1828 of 2016 in the Court of Judicial Magistrate No.I, Gobichettipalayam, 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 Gobichettipalayam to Chennai on various grounds set out in her affidavit.

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

6. On 09.10.2020, this Court passed the following order:

"Counter for the petitioner is ready. Notice ordered by this Court appeared to have not been served on the respondent. This Court called Mr.K.S.Baskaran, Advocate, Gobichettipalayam, over phone (Ph.No.9842288957) and informed him about the pendency of this petition. He stated that he will made arrangements for some other Advocate to appear before this Court on 29.10.2020.

2.Post the matter on 29.10.2020, under the caption "for orders".

3.Today, the case number of this matter has not been printed in the cause list. Therefore, Registry is directed to print this case in the cause list during the next posting. Print the name of the respondent in the cause list."

7. Today, when the matter was taken up for hearing, 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).

8. Accepting the above submission, 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.1828 of 2016 is transferred from the file of the Judicial Magistrate Court No.I, Gobichettipalayam, to the file of the Judicial Magistrate Court No.II, Gobichettipalayam, for trial;
- The Judicial Magistrate No.I, Gobichettipalayam, 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.Ps. are closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

nsd

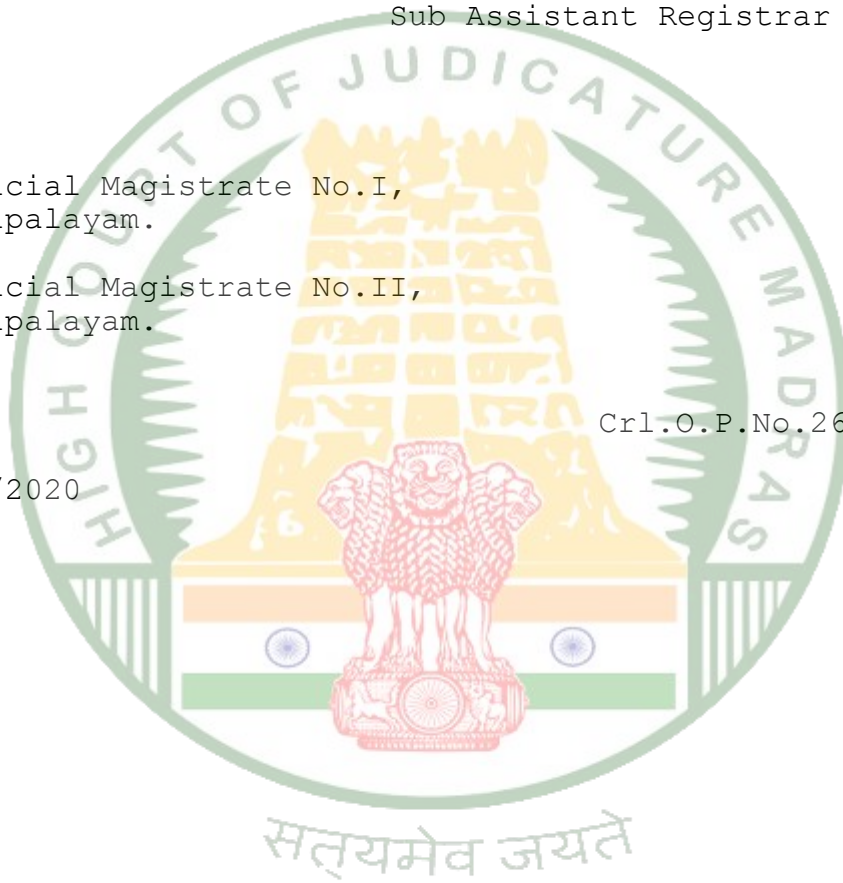
To

1.The Judicial Magistrate No.I,
Gobichettipalayam.

2.The Judicial Magistrate No.II,
Gobichettipalayam.

GP CO
SDR 14/12/2020

Crl.O.P.No.26942 of 2016



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