

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

CRL.O.P.No.7648 of 2019

and Crl.M.P.Nos.4183 & 4184 of 2019

Rajasekharan,
S/o.Anumandhan,
Thattarahalli Village,
Pannandur Post,
Pochampalli Taluk,
Krishnagiri District.
Petitioner

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Vs.

K.S.Jayanthakumar
S/o.J.Sarangapani,
Door No.764/110B,
Min Nagar, 1st Street,
Vengikal Village,
Thirvannamali Taluk
and District.
Respondent

....

PRAYER: Criminal Original Petition filed under Section 407 of Cr.P.C. praying to withdraw the S.T.C.No.31 of 2018 pending on the file of the learned Judicial Magistrate (Fast Track Court), Thiruvannamalai and transfer the same to learned Judicial Magistrate, Palacode.

For Petitioner : Mr.K.Thiruvengadam

For Respondent : Mr.P.Mani

ORDER

This petition has been filed seeking relief to withdraw the case in S.T.C.No.31 of 2018 pending on the file of the learned Judicial Magistrate (Fast Track Court), Thiruvannamalai and transfer the same to the Court of Judicial Magistrate, Palacode.

2. In spite of repeated adjournments, neither the petitioner nor his counsel appeared before this Court for placing their submission. Mr.P.Mani, learned counsel appearing for the respondent is present.

3. The avernment found in the petition revealed the fact that the petitioner is an accused in S.T.C.No.251 of 2017 on the file of the learned Judicial Magistrate No.I, Thiruvannamalai, which has been instituted by the respondent for the offence punishable under Section 138 of Negotiable Instruments Act. After taking cognizance by the Judicial Magistrate No.1, Thiruvannamalai, the said case has been transferred to the learned Judicial Magistrate, Fast Track Court, Thiruvannamalai and renumbered as S.T.C.No.31 of 2018.

4. The main ground raised by the petitioner in the present petition for transferring the case is that the respondent being the resident of Door No.12/136, Main Road, Karimangalam, Palacode Taluk, Dharmapuri District, instead of filing the above case before Palacode, only to harass the petitioner he filed the petition mentioned case before the Court situated at Thiruvannamalai District. On the other hand, for the same offences, the respondent filed one another case in S.T.C.No.546 of 2016 on the file of the learned Judicial Magistrate, Palacode against one M/s.Sri Andi Agro Products and others. It is further contended by the petitioner that, since the Thiruvannamalai Court is situated 90 Km away from the residence of the petitioner, it is very difficult for him to attend the Court proceedings at Thiruvannamalai and therefore transferring the case from the file of learned Judicial Magistrate, Thiruvannamalai to the file of Judicial Magistrate, Palacode is necessary.

5. In respect to the avernments found in the petition, the learned counsel appearing for the respondent on instruction would submit that after receiving cheque from the petitioner, the respondent herein presented the same for collection in Union Bank, Thiruvannamalai Branch. Further the petitioner is the resident of Thiruvannamalai District and also he doing his business in the name and style of M/s.Sri Andi Agro Products at Thiruvannamalai. He would further submit that since the cheque has been presented for collection at Thiruvannamalai, the Court situated at Thiruvannamalai is having territorial jurisdiction to try the offence committed by the petitioner. Therefore, the prayer sought by the petitioner is not at all maintainable and prayed to dismiss the present petition.

6. Now on considering the prayer sought out by the petitioner with the submission made by the learned counsel appearing for the respondent, it is not in dispute that the cheque has been presented before the bank situated at Thiruvannamalai and also the petitioner is doing business at Thiruvannamalai. In the said circumstances, the ground raised by the petitioner is not sufficient to avail the relief to transfer the case in S.T.C.No.31 of 2018 from the file of the learned Judicial Magistrate, Thiruvannamalai to the learned Judicial Magistrate, Palacode.

7. Ultimately, the averments made in the petition revealed the fact that the petitioner wants to face the trial as per his convenience. It is the general proposition of law that the case cannot be transferred by considering the convenience of the accused. Therefore this Court is not convinced with the reasons stated by the petitioner and the present petition is not having any merits.

8. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS)

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Sub Assistant Registrar

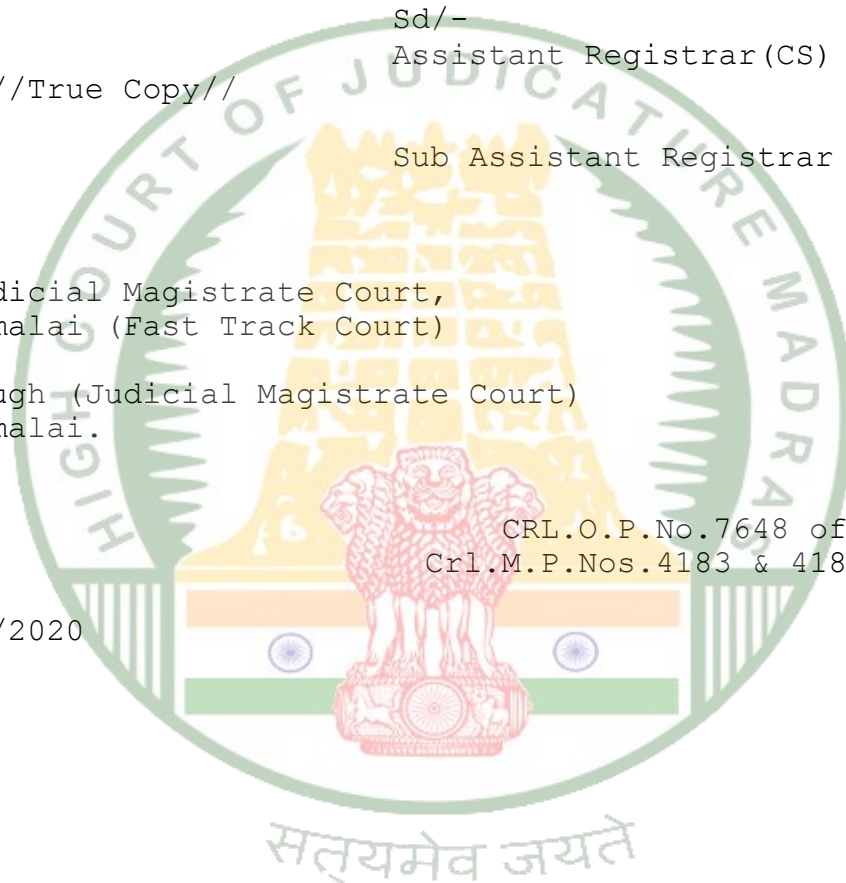
rts
To

1. The Judicial Magistrate Court,
Tiruvannamalai (Fast Track Court)

2 do through (Judicial Magistrate Court)
Tiruvannamalai.

CRL.O.P.No.7648 of 2019 and
Crl.M.P.Nos.4183 & 4184 of 2019

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