

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.12853 of 2020
and Crl.M.P.No.5011 of 2020

1.K.Ayyanar

2.Jai Sakthi Trading Company,
No.7, 1st Cross Street,
Avadi Road,
Karayanchavadi,
Chennai-600 056. ...Petitioners/Accused

Vs.

T.Subramanian ...Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to withdraw C.C.No.306 of 2013 pending on the file of the Judicial Magistrate No.1, Salem and transfer the same to Fast Track Court (Magistrate Level), Srivilliputhur, Virudhunagar District.

For Petitioners : Mr.R.Venkatraman

O R D E R

This Criminal Original Petition has been filed to withdraw C.C.No.306 of 2013 pending on the file of the Judicial Magistrate No.1, Salem and transfer the same to Fast Track Court (Magistrate Level), Srivilliputhur, Virudhunagar District.

2.It is averred that the petitioners are accused persons in the complaint lodged by the respondent for the offence punishable under Section 138 Negotiable Instruments Act. The alleged cheque was issued for security purpose and the same was misused by the respondent and initiated the proceedings under Section 138 of Negotiable Instruments Act. However, the case was posted for evidence of the

accused and due to Covid-19 pandemic circumstances, the petitioners are not able to reach Salem and even then the learned Magistrate repeatedly adjourning the matter by giving short dates. But the 1st petitioner was aged about 72 years and he is having all old age ailments including diabetics and as such he could not travel to Salem for each and every hearing. In this regard, the petitioners filed a suit and the same was dismissed by an judgment and decree dated 01.07.2015 in O.S.No.107 of 2013 on the file of District Munsif Court, Srivilliputhur. Aggrieved by the same, the petitioners filed an appeal against the said judgment and the same is pending on the file of the Sub-Court, Srivilliputhur in A.S.No.70 of 2015. Therefore, seeking transfer the case to Srivilliputhur. It is seen on the complaint lodged by the respondent herein for the offence punishable under Section 138 of Negotiable Instruments Act, the learned Judicial Magistrate No.1, Salem has taken cognizance in C.C.No.306 of 2013. It is seen from A-diary extract, now the case is posted for defence side evidence. In fact, already the defence side evidence was closed and posted for arguments. This petition has been filed only to drag the proceedings and nothing else, this Court finds no merits in this petition. However, the petitioners appearance before the trial Court is dispensed with in respect of the 1st accused is concerned. The trial Court is directed to complete the trial within the period of six months from the date of copy of this order.

3. With the above facts and circumstances, this Criminal Original Petition is dismissed. Consequently, connected Criminal Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS III)

//True Copy//

Sub Assistant Registrar

gbi

To

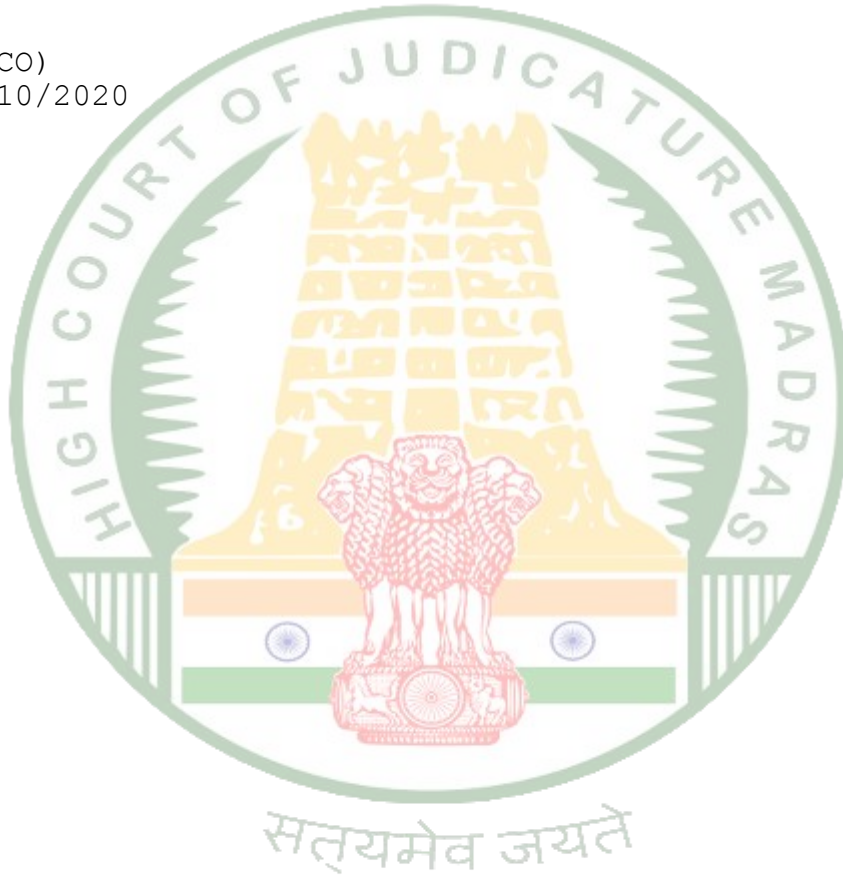
1. The Judicial Magistrate No.1,
Salem.

2.The Fast Track Court (Magistrate Level),
Srivilliputhur, Virudhunagar District.

3.The Public Prosecutor,
High Court, Madras.

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VG II (CO)
KKV/09/10/2020



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