

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

CRL.O.P.No.21203 of 2019
and Crl.M.P.No.10984 of 2019

Syed Alavi Koya Thangal,
S/o.Imbikchikoya Thangal,
Perungattukalathil House,
Perinthalmanna P.O.,
Padayikkara,
Malappuram District,
Kerala - 679 322. Petitioner

Vs.

Mahaveer Chand,
S/o.Dharam Chand,
No.B-504, Sankeswara Apartment,
No.1089, Poonamallee High Road,
Chennai and rep. by his
Legal-Co-ordinater,
Kishore Kumar Jain
S/o.Inderchand. KM Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to withdraw and to transfer the C.C.No.301 of 2018 filed before the FTC, Court No.IV, George Town Court, Chennai in to any other Magistrate Court in Coimbatore competent to try the same.

सत्यमेव जयते

For Petitioner : Mr.Christopher Kishore Vincent

For Respondent : Mr.Jayesh B.Dolia
For M/s. Aiyar & Dolia

ORDER

This petition has been filed seeking relief to withdraw and to transfer the case in C.C.No.301 of 2018 from the file of the Fast Track Court No.IV, George Town Court, Chennai, in to any other Magistrate Court in Coimbatore.

2. Heard Mr. Christopher Kishore Vincent, learned counsel appearing for the petitioner and Mr. Jayesh B.Dolia, learned counsel appearing for the respondent.

3. The petitioner herein is the accused in C.C.No.301 of 2018 pending on the file of the Fast Track Court No.IV, George Town, Chennai. He faces the trial for the offence punishable under Section 138 of Negotiable Instruments Act. Now the case has been pending for examination of witnesses. Only in the said circumstances, the petitioner is approached this Court stating that it is very difficult for him to appear before the Court in Chennai, since his native place is Kerala State. Accordingly, for the sole reason as stated above, the petitioner prayed to transfer the proceedings from the file of the Fast Track Court No.IV, George Town, Chennai to the Judicial Magistrate Court, Coimbatore.

4. Admittedly, the case has been filed in the year 2018, and the learned Magistrate issued Non-bailable warrant as against the petitioner frequently for his non-appearance. Further there is no denial on either side that the Fast Track Court No.IV, George Town, Chennai is having jurisdiction to try the case filed by the respondent. Therefore, for the very simple reason that the petitioner being a resident of Kerala State, the case cannot be transferred from the jurisdictional Court to the Judicial Magistrate Court, Coimbatore. The reason stated by the petitioner disclose the fact that, this petition has been filed for his convenience. Therefore, the reason stated by the petitioner for transferring the case is devoid of merits.

5. However, considering the facts and circumstances of the case, this Court is inclined to pass the following orders :-

i) The learned Fast Track Magistrate No.IV, George Town is directed to dispose of the case in C.C.No.301 of 2018 within a period of three months from the date of receipt of a copy of this Order.

ii) Further the petitioner is permitted to appear before the trial Court at the time of furnishing of copies, framing charges, questioning under Section 313 Cr.P.C., at the time of passing judgment and when ever it is necessary as directed by the Magistrate.

6. With the above directions, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

rts

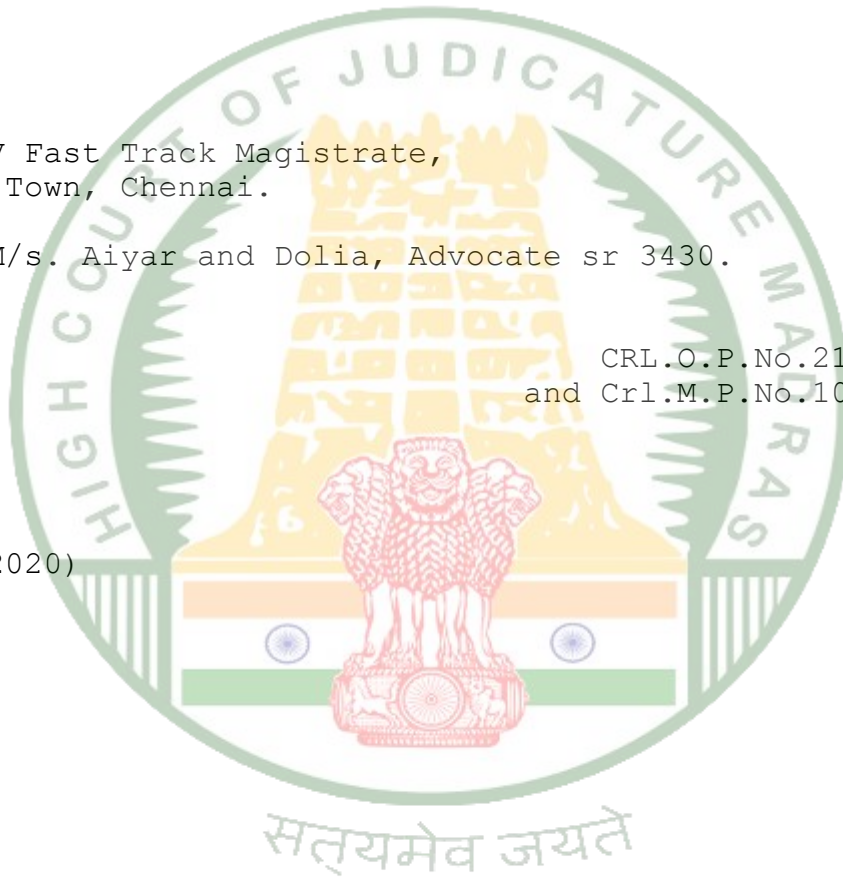
To

1. The IV Fast Track Magistrate,
George Town, Chennai.

+1 CC to M/s. Aiyar and Dolia, Advocate sr 3430.

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BP(CO)
SP(10/12/2020)



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