

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2020

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.22582 of 2014
and M.P.No.1 of 2014

R.Karthikeyan

..Petitioner

Vs

G.Elangovan

..Respondent

Prayer: Crl.O.P., filed under Section 407 of Cr.P.C., seeking to withdraw the criminal case in S.T.C.No.84 of 2014 on the file of the Judicial Magistrate/Fast Track Court, Hosur and to transfer the same to Judicial Magistrate No.II, Tirupur.

For Petitioners: Mr.N.Manokaran

For Respondents: Mr.A.Balamurugan

ORDER

The respondent filed a private complaint against the petitioner under Section 200 Cr.P.C., for the offence under Section 138 of the Negotiable Instruments Act before the Judicial Magistrate/Fast Track Court, Hosur, Krishnangiri District. The learned Magistrate has taken the complaint on file in STC.No.84 of 2014. After receiving the summons, the accused has filed the present petition before this court to transfer the STC to Judicial Magistrate No.2, Tirupur.

2. The learned counsel for the petitioner would submit that the petitioner has not borrowed any amount from the respondent, he has not given any cheque to the respondent and there was a transaction between the petitioner and one Sasikumar and the respondent is the Benami of the said Sasikumar. The said Sasikumar also filed a private complaint against K.Palaniappan and filed a case before Judicial Magistrate No.II, Tirupur, in C.C.No.131 of 2014 and therefore, both the cases have to be tried simultaneously before one court and further he has life threat from Sasikumar and the respondent and therefore, sought that STC has to be transferred to Judicial Magistrate, Tirupur.

3. The learned counsel for the respondent would submit that the petitioner made a false allegation against the respondent and the said issue cannot be decided in this petition.

4. Heard the learned counsel appearing on either side and perused the records.

5. Admittedly, the respondent filed a private complaint against the petitioner u/s.200 Cr.P.C., for offence u/s.138 of Negotiable Instruments Act before Judicial Magistrate, Fast Track Court, Hosur, Krishnagiri. The learned Magistrate has taken cognizance of the complaint in S.T.C.No.84 of 2014. Pending S.T.C., the accused has approached this court for transferring the case to J.M.No.II, Tirupur.

6. The reason stated by the petitioner is not the ground for transferring the case. Whether the petitioner issued the cheque to one Sasikumar and the respondent is a Benami of Sasikumar, are the points for defence of the petitioner and the same can be decided only after trial and not at this stage.

7. Considering the facts and circumstances of the case, this court finds that there is no reason to accept the contention of the petitioner and transfer the case. Therefore, there is no merit in this petition. Accordingly, the Criminal Original Petition is dismissed. Since the case is pending from 2014, the learned Judicial Magistrate, Fast Track Court, Hosur, is directed to dispose of the case in S.T.C.No.84 of 2014, within three months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed.

s/d-
Assistant Registrar (CS V)

True Copy

Sub-Assistant Registrar

nvsri

To

1.The Judicial Magistrate/Fast Track Court, Hosur.

2.The Section Officer, Criminal Section, High Court, Madras.

+1 CC to Mr.N.Manokaran, Advocate sr 12048

+1 CC to Mr.A.Balamurugan, Advocate sr 12882.

Cr1.O.P.No.22582 of 2014

KS (CO)

SP(17/02/2020)