

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2020

CORAM :

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.O.P.No.27438 of 2019

M/s.Bajaj Finance Ltd.,
Represented by its Authorized Signatory,
Mr.S.Saravanabhavan,
Having office at
Unit No.804,805,806, 8th floor,
Delta Wing, Raheja Towers,
177, Anna Salai, Chennai - 600 002. ...Petitioner

Vs

Sambasiva Rao ...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code praying to issue an order of direction, directing the learned XIII Metropolitan Magistrate, Egmore, Chennai to number the un-numbered Calendar Case in C.C.SR.No.945 of 2017 pending on its file and record sworn statement and issue summons.

For Petitioner : Mr.S.Sathish Rajan.

O R D E R
(through Video Conference)

This Criminal Original Petition has been filed by the petitioner seeking relief, to direct the learned XIII Metropolitan Magistrate, Egmore, Chennai to number the un-numbered complaint which is pending in C.C.No.SR945 of 2017.

2.Heard Mr.S.Sathish Rajan, learned Counsel appearing for the petitioner.

3.It is the general grievance addressed by the learned Counsel appearing for the petitioner that in XIII Metropolitan Magistrate, Egmore, Chennai, huge number of cases filed under Section 25 of Payment and Settlement Systems Act, 2007 are not taken on file. In this regard, the petitioner mentioned complaint filed in C.C.No.SR945 of 2017 is an example, which is also not numbered for the past three years.

4.This Court previously, while hearing the said submission, directed the registry to call for remarks from the Chief Metropolitan Magistrate, Egmore, Chennai as to what had happened in respect of the complaint filed by M/s.Bajaj Finance Ltd., under Section 25 of Payment and Settlement Systems Act, 2007. The learned Chief Metropolitan Magistrate in its remarks, has stated that as per the notification issued by the Government of Tamil Nadu, complaint under Section 25 of Payment and Settlement Systems Act, 2007 has to be filed before the XIII and XIV Metropolitan Magistrates, Egmore, Chennai on the point of jurisdiction. Now, due to the huge pendency of those cases, steps are being taken to transfer the same to other Courts.

5.Therefore, the remarks submitted by Chief Metropolitan Magistrate has made clear that due to the huge pendency of complaints filed under Section 25 of Payment and Settlement Systems Act, 2007, the complaint filed by the petitioner is also kept pending without any action. In this regard, it is for the Chief Metropolitan Magistrate to send a letter to the Registry of this Court through Principal Judge, City Civil Court, Chennai for permitting to transfer some of the cases to other Metropolitan Magistrates.

6.However, in respect to the petition mentioned complaint which is filed by the petitioner, the same has been taken on file and the prayer sought for by the petitioner becomes infructuous. Therefore, with the above observations, this Criminal Original Petition is dismissed as infructuous.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Chief Metropolitan Magistrate,
Egmore,
Chennai.

2.The XIII Metropolitan Magistrate,
Egmore, Chennai.

3.The Public Prosecutor,
High Court, Madras,

CrI.O.P.No.27438 of 2019

NRL (CO)
KKV/29/12/2020