

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

CRL.O.P.No.30140 of 2019
and Crl.M.P.No.16288 of 2019

1. Subhanu,
Proprietor/Authorised Signator,
M/s.Saleema Fertilisers,
No.20, Saem Main Road,
Emaper Kallakuruchi,
Villupuram District.
2. M/s.Saleema Fertilisers,
No.20, Salem Main Road,
Emaper Kallakuruchi,
Villupuram District. Petitioners

Vs.

M/s. Chettinad Cement Corporation Ltd.,
Deputy Manager,
Represented by Power of Attorney,
P.Ramesh
S/o.R.Pakkirisamy,
Having Office at
No.11, Ground Floor,
2nd Cross, Jawahar Nagar,
Pondicherry - 605 505. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to withdraw and transfer the STC.No.1030 of 2019 from the file of the learned Judicial Magistrate No.III, Puducherry to the learned Judicial Magistrate Court, Kallakuruchi.

For Petitioners: Ms.B.Haritha Priyadharshini

For Respondent : Mr.M.Arulraj

ORDER

This Criminal Original Petition has been filed seeking relief to transfer the case in S.T.C.No.1030 of 2019 from the file of the learned Judicial Magistrate No.III, Puducherry to the learned Judicial Magistrate, Kallakuruchi.

2. Heard Ms.B.Haritha Priyadharshini, learned counsel appearing for the petitioners and Mr.M.Arulraj, learned counsel appearing for the respondent.

3. The petitioners are the accused in S.T.C.No.1030 of 2019 on the file of the learned Judicial Magistrate No.III, Puducherry. The case has been filed by the respondent as against the petitioners for the offences punishable under Section 138 of Negotiable Instruments Act. Admittedly, the case has been pending for the examination of witnesses. In the said circumstances, the petitioners herein approached this Court for transferring the above referred case from the file of the learned Judicial Magistrate No.III, Puducherry to the learned Judicial Magistrate, Kallakurichi.

4. The sole ground raised by the petitioners for availing the relief prayed in this petition is that, the petitioners are suffering from heart ailments and therefore, it is very difficult for them to attend the Court proceedings at Puducherry. The learned counsel appearing for the petitioners would submit that since the petitioners are residing at Kallakurichi, the prayer sought out by the petitioners may be considered in their favour and it is very easy for them to attend the Court proceedings at Kallakurichi.

5. In order to support their contention, the petitioners produced the medical certificates issued to them for verification. The document now produced by the petitioners are in support of the contention raised by the learned counsel appearing for the petitioners. Further those documents revealed the fact that the petitioners are suffering from some heart ailments.

6. However, it cannot be said that only because of the above said reasons, they are not in a position to move to Puducherry to attend Court proceedings. Admittedly, the learned Judicial Magistrate No.III, Puducherry is having jurisdiction to try the complaint which filed by the respondent. Further part of the trial proceedings are completed and therefore, transferring the case from the learned Judicial Magistrate No.III to some other Court will cause further delay in disposing the case.

7. Considering the above facts and circumstances of the case, it would appropriate to direct the learned Judicial Magistrate No.III, Puducherry to dispose the matter within a stipulated period. Accordingly, the learned Judicial Magistrate No.III, Puducherry is directed to dispose the case in S.T.C.No.1030 of 2019 within a period of three months from the date of receipt of copy of this Order.

8. With the above direction, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous petition is also closed.

Sd/-
Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

rts

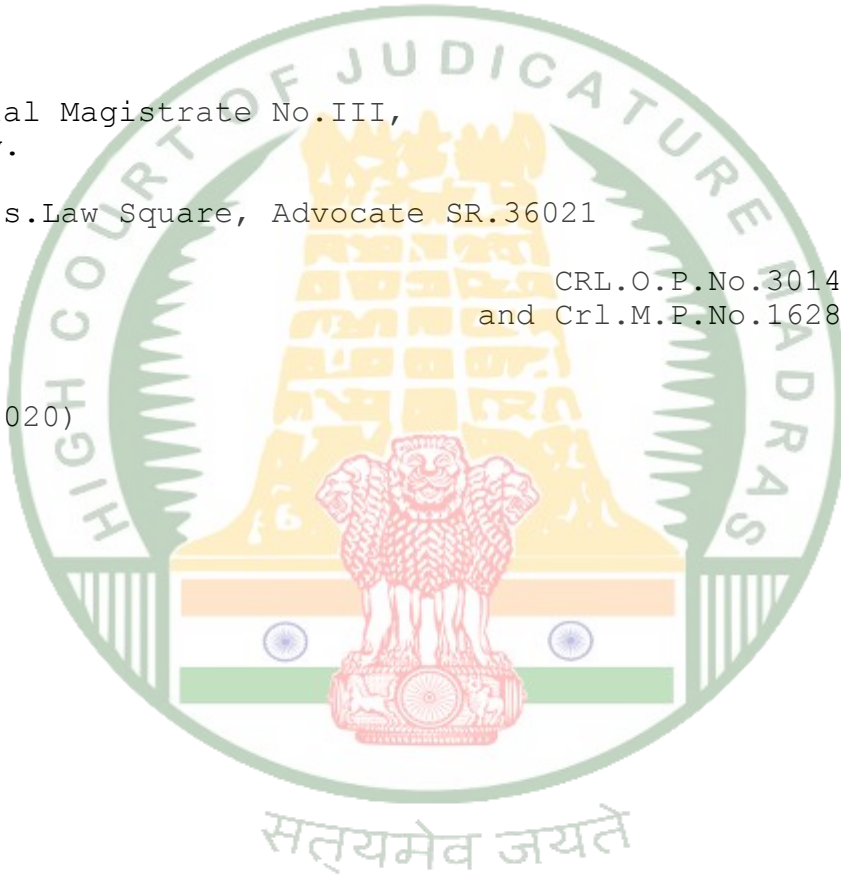
To

The Judicial Magistrate No.III,
Puducherry.

+1cc to M/s.Law Square, Advocate SR.36021

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and Crl.M.P.No.16288 of 2019

MG (CO)
CB(11/12/2020)



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