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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.9087 of 2018

Ms.M.Ranjitha

... Petitioner/Accused

Vs.

M/s. Veritatas Finance Private Limited,
Represented by its Authorised Signatory,
Ms.Meena.V,
D/o. M.Velayudham,
S-15, Second Floor,
Thiru Vi Ka Industrial Estate,
Guindy.

... Respondent/Complainant

Prayer: The Criminal Original Petition filed under Section 407 of Cr.P.C., to transfer the matter in C.C.No.8926 of 2017 which is pending before the Hon'ble Judicial Magistrate, Fast Track Court, Saidapet, Chennai to Hon'ble Magistrate Court, Karur.

For Petitioner : Ms. Anandhalakshmi
For M/s.P.Sesubalan Raja

For Respondent : Not ready in notice

O R D E R

This Criminal Original Petition has been filed seeking to transfer the case in C.C No.8926 of 2017 which is pending before the Judicial Magistrate, Fast Track Court, Saidapet, Chennai to the Judicial Magistrate Court, Karur.

2. It is alleged that the Petitioner/Accused had borrowed a sum of Rs.3,00,000/- (Rupees three lakhs only) for business purpose from the respondent/company. The petitioner's father-in-law has created a mortgage in favour of the respondent. The said mortgage deed was registered on as Doc.No. 1234/2016, on 31.10.2016. In the above said circumstances, because of the compulsion of the respondent, the petitioner was constrained to issue a post-dated cheque dated 15.09.2017 for a sum of Rs.3,31,018/- (Rupees Three Lakhs Thirty One Thousand and



Eighteen only) drawn at State Bank of India, Karur Branch, and the said cheque was presented before the Axis Bank, Ashok Nagar Branch, Chennai - 600 083, however, the same was returned as "Funds Insufficient". Therefore, the respondent had filed a complaint under Section 200 of Cr.P.C and Section 138 of Negotiable Instruments Act r/w Section 357 of Cr.P.C before the Hon'ble Judicial Magistrate, Fast Track Court, Saidapet, Chennai. Since all the transactions had taken place only at Karur, where the petitioner is residing, the petitioner filed the present petition to transfer the case which is pending before the learned Judicial Magistrate, Fast Track Court, Saidapet, Chennai to the learned Judicial Magistrate Court, Karur.

3. The learned counsel for the petitioner submits that already, mortgage deed was executed in favour of the respondent/complainant. In order to harass the petitioner, the respondent had presented the cheque at Chennai with an ulterior motive and filed a false complaint before the Fast Track Court, Chennai. Further, the case was admitted, and notice was ordered on 16.04.2018. Till now, the petitioner has not taken any steps to serve notice on the respondent.

4. The case is of the year 2017. Already four years have lapsed. Therefore, this Court is of the view that no useful purpose would be served by transferring the case at this juncture, to the file of the learned Judicial Magistrate, Karur,.

5 .In view of the above, this Court directs the learned Judicial Magistrate, Fast Track Court, Saidapet, Chennai to expedite the trial in C.C.No.8926 of 2017 and complete the same, as early as possible. The appearance of the petitioner before the Trial Court is dispensed with. However, this order will not stand on the way of the Trial Court to insist for the appearance of the petitioner for receiving copies under Section 207 of Cr.P.C., framing of charges, questioning under Section 313 of Cr.P.C. and on the day of judgment and as and when the Trial Court feels it necessary.

6. With the above directions, this Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

msrm



To

1. The Judicial Magistrate Court,
Fast Track Court, Saidapet,
Chennai.
2. The learned Judicial Magistrate Court,
Karur.
3. The Public Prosecutor,
High Court of Madras.

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SR-II (CO)
HS (25/08/2021)