



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.17794 of 2021

and

Crl.MP.Nos.9772 & 9776 of 2021

Selvaraj
M/s.Sakthi Speed Parcel
IC Oil Bhavan, Jaiyam Apartment
Chennakrishnapuram,
Sankari Nagar, Salem - 636 007.

... Petitioner

Vs.

1. M.Muthusamy
2. Chinnathayee
Rep.by her Power of Attorney
P.Easwaran

...Respondents

PRAYER: Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure to direct join or simultaneous trial of S.T.C.No.761 of 2019 pending on the file of the Learned Judicial Magistrate, Valappady and S.T.C.No.155 of 2020 pending on the file of the Judicial Magistrate (FTC), Tiruchengode in the court of Judicial Magistrate Convenient to both parties.

For Petitioner	: Mr.P.Haribabu
For Respondents	: Mr.R.Vinothraja Govt.Advocate (Crl.side)

ORDER

The petitioner, who is the accused in STC No.761 of 2019 and STC.No.155 of 2020 on the complaint lodged by the first and second respondents respectively, pending before the learned Judicial Magistrate, Valappady and the learned Judicial Magistrate, (FTC), Tiruchengode, has filed this petition.

2.The contention of the learned counsel for the petitioner is that the petitioner is running Sakthi Speed Parcel service and for his business, he has taken the vehicles of the first and



second respondents' Lorry bearing registration Nos.TN 54 P 7088 and TN 54 P 6975 for rent. There was some dispute with regard to the payment of rent, for which, the respondents herein along with one S.Sardhar, who is the lorry owner bearing registration No.TN 30 BJ 3834, approached the Pallapatti Police Station and there, the petitioner's manager was taken to the police station, where, he admitted the relationship between the petitioner and the respondents and also with regard to the dues, there was some difference in quantum. Blank cheques, which have been signed, left with his manager, were taken away by the petitioner and thereafter, got dishonoured and hence, this petition.

3.The learned counsel for the petitioner submits that on receipt of the notice, he had given a detailed reply. The crux of the issues in both the cases are one and the same. Hence, he seeks trial of both the cases to be tried together or simultaneously. Further, he submits that the petitioner is hailing from Sankari Nagar, Salem and it will be great difficulty for the petitioner to attend both the Courts.

4.Considering the submissions and on a perusal of the materials, it is seen that STC No.761 of 2019 is pending for trial for the past three years before the learned Judicial Magistrate, Valappady and STC No.155 of 2020 is pending for trial before the learned Judicial Magistrate, Thiruchengode for the past one year. As per Section 142 of the Negotiable Instruments Act, the jurisdiction is that where the cheque has been presented and got dishonored, that specific jurisdiction has been fixed, depending on cause of action. This has been done for the benefit of the complaint to proceed against the person, who had defaulted by not honoring the cheques. The defence of the petitioner cannot be considered now. It can be decided only during trial. The petitioner presupposing that both the cases are identical in nature, may not be true. Finding that the complainant in STC No.155 of 2020 is 66 years old lady a senior citizen, likewise, the complainant in STC No.761 of 2019 is also an elderly person, both the Courts are not much far away and easily accessible to the petitioner. This Court finds that the petitioner's reason for seeking transfer of investigation relying upon the decision in Nathi Lal and others Vs. State of U.P. And others reported in 1990 (Supp) SCC 145 is not applicable to facts and circumstances the case. In view of the same, this court is not inclined to entertain the criminal original petition. Accordingly, the criminal original petition is dismissed directing the trial Court to conclude the Trial within a period of three months from the date of receipt of a copy of this order. Further, in case, the petitioner files 317



petition, the same to be considered liberally. The only condition is that the petitioner to appear before the trial Court without fail on the hearing dates, like questioning, pre-trial questioning, 313 questioning and to receive the judgments, and whenever Trial Court insist his appearance. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sms

To

1. The Judicial Magistrate,
Valappady.
2. The Judicial Magistrate (FTC),
Tiruchengode.

+1CC to Mr.R.Tholgappian, Advocate, Sr.No.51679

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RLD (CO)
K.RK. (01.11.2021)