

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2021

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.1172 of 2020
and Crl.M.P.No.8181 of 2020

1.M/s.J.K.M.Leathers,
A Partnership Firm,
represented by its Partners,
Mr.N.Kumar and Mr.N.Mohan
2.Mr.N.Kumar
S/o. (Late) V.Narayanasami
3.Mr.N.Mohan
S/o. (Late). V.Narayanasami ... petitioners

Versus

1.M/s.Reliance Leather Exports
2.Mr.Fazal Mohammed Razack,
Partner, Reliance Leather Exports
3.Mr.Diwaker Rajamanickam
Partner, Reliance Leather Exports ... Respondents

PRAYER: Criminal Revision Case filed under Section 397 r/w.401 Cr.P.C seeking to set aside the order dated 27.11.2020 passed in Transfer C.M.P.No.7159/2020 by the Chief Metropolitan Magistrate Court, Egmore, Chennai.

For petitioners : Mr.G.K.R.Pandian
For Respondents : Mr.P.Ramesh Kumar

O R D E R

This Criminal Revision Case has been filed seeking to set aside the order dated 27.11.2020 passed in Transfer C.M.P.No.7159/2020 by the Chief Metropolitan Magistrate Court, Egmore, Chennai.

2.The petitioners is the complainant before the Chief Metropolitan Magistrate Court, Egmore, Chennai arising out of 138 Negotiable Instrument Act.

3. After completing trial, during the arguments, several adjournments were sought for by the petitioners. The learned Magistrate said to have expressed his view, therefore, the petitioners filed the Transfer OP before the learned Chief Metropolitan Magistrate in Tr.C.M.P.No.7159 of 2020 and the learned Chief Metropolitan Magistrate after hearing, dismissed the said petition. Challenging the said order, now the petitioners are before this Court.

4. The learned counsel for the petitioners would submit that after the completion of examination of witnesses, the matter was posted for argument. At that time, at the request of both the counsel, the matter was adjourned for some hearings. Later on, arguments advanced and during the course of reply argument, the learned Judge has expressed his view. It is submitted by the petitioners that only on the consent of the respondent, the matter was adjourned for several hearings and therefore, it is not correct on the part of the learned Magistrate to state as if the complainant alone sought time for argument and this fact is not correct. Further, the contention of the learned counsel for the petitioners is that since the learned Judge has expressed his views during the proceedings of the matter, the learned Judge has caused prejudice to the complainant. Therefore the complainant/petitioners filed transfer OP. However, the learned Chief Metropolitan Magistrate failed to consider the case of the petitioners and dismissed the same.

5. The learned counsel for the respondents submitted that after completing the examination of the witnesses, counsel for the petitioners need not seek several adjournments to initiate his arguments that too when the respondent also made his submissions and given suitable reply. During the reply, arguments advanced by both the counsels and relied on the judgement. The learned Judge also considered the same and the learned Judge only discussed about the judgment and never expressed his view at the time of arguments. Further, against the dismissal order passed in Transfer O.P., revision is not maintainable and therefore the revision is liable to be dismissed.

6. Heard and perused the records.

7. Admittedly, the petitioners are complainants in CC.No.3257 of 2017 and examination of the witnesses also completed. During the arguments, both the counsel relied on certain judgments and made arguments. At this stage, for the sole apprehension raised by the petitioners that the learned Judge has expressed his view, they sought for transfer. Even according to the petitioners, the learned Judge has not

expressed any view on the matter in writing and no allegations leveled and further the transfer petition does not reveal any malafides. Further, in the Tr.Crl.M.P., the learned Chief Metropolitan Magistrate, without expressing anything on merits, come to the conclusion that there is no ground for transfer of the case.

8. On a reading of the entire materials and the grounds raised, this Court does not find any merit in the revision and the revision is liable to be dismissed. It is to be seen that the learned Chief Metropolitan Magistrate also pointed out that no prejudice would be caused to the petitioners. The petitioners have no ground that the learned Metropolitan Magistrate expressed his view in the manner known to law. Therefore, under these circumstances, since no adverse views expressed against the petitioners, the Revision is dismissed. However considering the fact that argument is already completed in the case, the learned Chief Metropolitan Magistrate is directed to dispose the said C.C.NO.3257/2017 in the manner known to law, within a period of one month i.e, on or before 19.02.2021.

9. In the result, the Criminal Revision Petition is dismissed with the above direction. Consequently connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

mpa

To

The Chief Metropolitan Magistrate Court,
Egmore, Chennai.

Copy to
The Section Officer
Criminal Section
High Court,
Madras

+1 cc to Mr.G.K.R.Pandian Advocate sr4162

Cr1.RC.No.1172 of 2020

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