



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2021

C O R A M

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.NO.11674 OF 2017

&

CRL.M.P.NOS.7647 AND 7648 OF 2017

M/s.Ace Engineers,
Rep. by its Managing Partner,
Mr.S.S.Muthukumar
No.190, Sathy Main Road,
Sarkar Sama Kulam,
Kovilpalayam,
Coimbatore - 641 107.

... Petitioner/Accused

Versus

P.Raghava Chetty P.Narayanaswamy Chetty,
A Partnership Firm,
Represented by its Partner,
Mr.P.S.Rudhrakumar,
"PRS Complex",
New Nos.94 & 92 (Old Nos.59 & 60),
Rasappa Chetty Street,
Park Town, Chennai - 600 003,
Represented through its Power Agent,
Mr.M.Subramani.

... Respondent/Complainant

PRAYER:-

Criminal Original Petition filed under Section 482 of Cr.P.C. to withdraw the complaint and transfer the complaint in C.C.No.3641 of 2016 from XIV Metropolitan Magistrate Court, Egmore, Chennai to the Judicial Magistrate No.I, Coimbatore.

For Petitioner : Mr.M.N.Balakrishnan

For Respondent : Mr.N.Premkumar



C O M M O N O R D E R

These Criminal Original Petitions has been filed to transfer the complaint in C.C.No.3641 of 2016 on the file of XIV Metropolitan Magistrate Court, Egmore, Chennai * **XX Metropolitan Magistrate, Allikulam, Chennai (Now Corrected as per Order dated 02/12/2021 made in CRL.O.P.No.11674 of 2017)** to the file of Judicial Magistrate No.I, Coimbatore.

2. Heard the learned counsel for the petitioner.

3. The only ground on which transfer is sought for is that the entire transaction took place in Coimbatore and the cheque in question has also been issued in Coimbatore, but the complaint has been filed in Chennai only to petitioner.

4. This Court heard the submissions of learned counsel for respondent and also perused the materials placed before this Court in the form of typed-set of papers.

5. This Court is of the view that the above submissions made by learned counsel for the petitioner cannot be countenanced in view of Section 4 of the Negotiable Instruments (Amendment) Second Ordinance, 2015 wherein Section 142A was inserted in the Negotiable Instruments Act, 1881. Therefore, filing of the complaint before the jurisdictional Court where the payee presented the cheque cannot be found fault with and hence, the present criminal original petition is liable to be dismissed.

6. Accordingly, instant Criminal Original Petition is dismissed. It is submitted by learned counsel for respondent that the matter is posed on 14.12.2021 for cross-examination. Therefore, the accused is directed to cross examine PW1 on the same day. The cross-examination shall be completed within a period of one week. Thereafter, the trial Court shall complete the entire process and dispose of the matter within a period of two months thereafter.

*** Now Corrected as per Order made in
CRL.O.P.No.11674 of 2017 dated 02/12/2021.**

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

gba/gpa
mkn



To

1. The XX Metropolitan Magistrate,
Allikulam, Chennai.
2. The XIV Metropolitan Magistrate,
Egmore, Chennai.
3. -Do- Thro The Chief Metropolitan Magistrate,
Egmore, Chennai.
4. The Public Prosecutor,
Madras High Court,
Chennai.

+1cc to Mr.D.Manmaran, Advocate, S.R.No.60739
+1cc to Mr.M.N.Balakrishnan, Advocate, S.R.No.61199

CRL.O.P.NO.11674 OF 2017 &
CRL.M.P.NOS.7647 AND 7648 OF 2017

VSN-II (CO)
SR-II (CO)
PBS/23/12/2021