



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2021

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

CRL.O.P.NO. 13015 OF 2017

AND

CRL.M.P.NOS. 8649 AND 8493 OF 2017

R.K. Renuka

...Petitioner

-Vs-

Kodiswaran

...Respondent

Criminal Original Petition filed under Section 407 of CrPC., to withdraw and transfer the C.A.No. 130 of 2017 from the file of the Additional Sessions Judge, Erode to the Additional Sessions Judge, Gobichettipalayam.

[Amended as per order dated 11.07.2017 made in Cr1.M.P.No.8650/2017 in Cr1.O.P.No.13015/2017].

For Petitioner : Mr.R.P.Muruganraja

For Respondent : Mr.S.Parthasarathy

O R D E R

This petition has been filed to withdraw and transfer the C.A.No. 130 of 2017 from the file of the learned Additional Sessions Judge, Erode to the learned Additional Sessions Judge, Gobichettipalayam.



2. The learned counsel for the petitioner would submit that the petitioner/appellant has preferred an appeal in CrI.A.No.130 of 2017, pending on the file of the learned Additional Sessions Judge, Erode, against the judgment passed by the learned Judicial Magistrate, Sathyamangalam in S.T.C.No.5312 of 2014, dated 29.04.2014, the petitioner was convicted to undergo simple imprisonment for 10 months and awarded compensation a sum of Rs.20,00,000/- for cheque amount U/s.357(3) of the Code of Criminal Procedure. However, the petitioner had proved her case by preponderance of probabilities and it is for the respondent/complainant to rebut the case of the appellant and he has not rebutted the said presumption under the Negotiable Instrumentes Act.

3. Further, the learned counsel for the petitioner would submit that as the petitioner is having 4 year old child and she is unable to travel from her place of residence to the Addl. Sessions Court, Erode for every hearing of the case. The petitioner and the respondent are residing in Sathyamangalam Taluk, Erode. Therefore, no prejudice would be caused to the respondent if this petition is allowed. Hence, he seeks to transfer the case as prayed for.

4. Heard both sides and perused the materials placed on record.

5. Taking into consideration the fact that the appellant is having four year old child and she is uanble to travel, attend the hearings frequently and plead her defence. Hence, this Court is inclined to allow this petition to transfer the case in C.A.No.130 of 2017 from the file of the learned Additional Sessions Judge, Erode, to the learned Additional Sessions Judge, Gobichettipalayam. Consequently, connected Criminal Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar

msm



1. The Additional Sessions Judge, Erode.

2. The Additional Sessions Judge, Gobichettipalayam.

+1cc to Mr.R.P.Muruganraja, Advocate, S.R.No.36980

Cr1.O.P.No. 13015 of 2017
and Cr1.M.P.Nos. 8649 and 8493 of 2017

GPL(CO)

RLP(21/09/2021)