



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2021

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

CRL.O.P.No.14241 of 2017
and
Crl.M.P.No.9066 of 2017

Panneerselvam
S/o.Nallaiah

... Petitioner/Accused

Vs.

1. The Inspector of Police
City Crime Branch
Coimbatore City.
(Crime No.90 of 2010)

2. Manickam
S/o.Pazhanivel
(2nd respondent is impleaded as per the order of this Hon'ble
Court dated 21.08.2017 made in Crl.M.P.No.9807 of 2017 in
Crl.O.P.No.14241 of 2017)

...Respondents/Complainants

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., seeking to transfer C.C.No.52 of 2016 on the file of the learned Judicial Magistrate No.III at Coimbatore in Crime No.90 of 2010, on the file of the Inspector of Police, City Crime Branch, Coimbatore City to any Metropolitan Magistrate Court in Chennai.

For Petitioner : Mr.P.Bakiyaraj

For Respondent-1 : Mr.E.Rajthilak
Counsel for Government (Crl. Side)

For Respondent-2 : Name printed (NA)



O R D E R

(This case has been heard through video conference)

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This Criminal Original Petition has been filed by the petitioner seeking for transfer of C.C.No.52 of 2016 from the file of the learned Judicial Magistrate No.III, Coimbatore, in Crime No.90 of 2010, on the file of the Inspector of Police, City Crime Branch, Coimbatore City to any other Metropolitan Magistrate Court in Chennai.

2. The case of the prosecution is that on 27.09.2010 at about 12 p.m. the petitioner had instructed one Nagari @ Nazar Basha, who is arrayed as A2 to hand over Rs.5,00,000/- to the defacto complainant Manickam, who had met him earlier for getting gold from him and for the said gold business transaction, the defato complainant had given Rs.10,00,000/- in two different payment terms out of which, Rs.6,00,000/- was paid as an advance and subsequently the balance amount of Rs.4,00,000/- was paid. However, the petitioner neither gave gold nor returned the money and evaded for the same. Thereafter, on 27.09.2010, the petitioner contacted the defacto complainant and asked him to stay at Hotel Subashree at Ram Nagar, Coimbatore, and had informed that he would send one Nagari @ Nazar Bazha to hand over Rs.5,00,000/- to the defacto complainant. Accordingly, the said Nagari @ Nazar Bazha handed over Rs.5,00,000/- to the complainant and tried to slip off from the room of the complainant. On suspicion when the defato complainant checked the cash bundles, he found the cash bundles containing Rs.500/- notes are counterfeit currency notes and hence, he lodged complaint before respondent police.

3. The learned Counsel for the petitioner would submit that the defacto complainant Manickam who is residing at Villupuram District, Kallakurichi Taluk, Kadathur Village had financial business transaction with the petitioner for some time and for the said transaction the defacto complainant had given a final settlement deed on 27.06.2010. Therefore, in order to take revenge, the defacto complainant colluded with the respondent police and lodged the complaint to grab money from the petitioner. He would submit that the petitioner is an eminent Road Contractor and licensed finance businessman. The respondent colluded with the defacto complainant and was continuously harassing him to grab lump sum. Since, the petitioner was reluctant to act so as expected by the respondent police as well as by the defacto complainant, the respondent implicated the petitioner as an accused. He would further submit that the respondent police has filed the final report before the Judicial Magistrate, Coimbatore, and summons were issued for



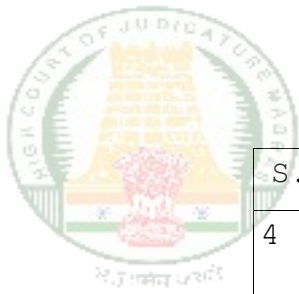
his appearance on 22.08.2017. While so, the defacto complainant approached this Hon'ble Court in Crl.O.P.No.719 of 2016 seeking for a direction to return the amount of Rs.9,00,000/- which was deposited by the petitioner while he was granted anticipatory bail vide Crl.O.P.No.8401 of 2011 by order dated 05.05.2011. Further, this Court has given a direction to the trial Court to complete the trial within six months and the Judicial Magistrate-III, Coimbatore, has taken Suo Motu proceedings for advance hearing on 23.06.2017 and further posted the case for his appearance on 24.07.2017.

4. The petitioner states he is hailing from Alangudi, Pudukottai District and for the said offence, he has to face the trial in Judicial Magistrate-III, Coimbatore. He would submit that due to his health condition and age factor ailments, he could not able to attend the Court proceedings in the Court at Coimbatore. As he is no way related to the said offence, he has got sufficient proof to prove innocence and he is ready to face trial before the Court at Chennai for speedy disposal of the trial. He submits that the concerned Inspector of Police, CCB, Coimbatore, is colluding with the defacto complainant and falsely lodged the complaint and unless the trial is transferred to Chennai, the same will not be done in an impartial manner before the present Court. Hence, he prays for transfer.

5. Heard the learned Counsel for the petitioner and learned Counsel for the Government (Crl. Side) appearing for the 1st respondent police.

6. The Counsel for the Government (Crl. Side) appearing for the respondent police has filed the status report along with Counter in which, it is stated that the petitioner is not only involved in this case but also involved in similar type of offences and facing following charges in various places as detailed below;

S.No.	Station with Crime Number	Sec. Of Law
1	Chennai Central Crime Branch Cr.No.135/2018	420, 506(I) of IPC
2	Chennai Central Crime Branch Cr.No.315/2018	420, 506(II) of IPC
3	Chennai Central Crime Branch Cr.No.83/2021	420 r/w 34 of IPC



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S.No.	Station with Crime Number	Sec. Of Law
4	Chenna K.K.Nagar P.S. Cr.No.2691/2015	341, 294B, 397, 506(I) IPC r/w 25 (i) (d) Indian Arms Act
5	Chennai Rayala Nagar P.S. Cr.No.2101/2015	397 IPC r/w 25(i) (d) Indian Arms Act
6	DCB Pudukottai Cr.No.18 /2015	120B, 403, 406, 420, 506(ii) of IPC
7	DCB Pudukottai Cr.No.20/2015	120B, 406, 420, 506 (ii) of IPC r/w 27 of PCEI Act Sec.4 of TH Arms Act 1956
8	DCB Pudukottai Cr.No.5/2005	120B, 420, 465, 467, 468, 471 and 506(i) IPC
9	Alangudi PS Cr.No.13/2008	147, 367, 409, 420, 387 506(ii) IPC
10	Alangudi PS Cr.No.14/2008	147, 367, 409, 420, 387 506(ii) IPC
11	Alangudi PS Cr.No.15/2008	409, 420 IPC
12	Alangudi PS Cr.No.123/2008	147, 420, 506(ii) IPC
13	Alangudi PS Cr.No.414/2008	422 IPC
14	Alangudi PS Cr.No.440/2007	147, 409, 420, 387, 506(ii) IPC
15	Alangudi PS Cr.No.363/2016	294B, 323, 506(ii) IPC
16	Alangudi PS Cr.No.11/2013	452, 384, 420, 307 IPC
17	Namunasamuthiram PS Cr.No.22/2008	420, 307 IPC
18	Kotampatti P.S. Cr.No.240/1999	420 IPC
19	DCB Erode Cr.No.67/2004	120B, 406, 420 IPC
20	DCB Erode Cr.No.30/2005	120B, 420, 465, 467, 468, 471, 506(i) IPC
21	Coimbatore City CCB Cr.No.90/2010	420, 109 IPC @ 420 r/w 109 and 489 IPC

He would further submit that the case has been transferred from the file of Judicial Magistrate-III, Coimbatore to Judicial Magistrate-VII, Coimbatore and further submits that impartial proceedings will be conducted and the petitioner can



very well face trial in Coimbatore as he is already involved in many cases and the cases are pending in various places in Erode, Coimbatore, Pudukottai, Chennai, Alangudi, Namunasamuthiram and Kotampatti.

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7. It is seen that the petitioner is not only facing trial in one case but he is facing trial in so many cases in various places and therefore, there need not be any transfer or cases from one Court to another. The reasons stated by the petitioner for transfer of trial cannot be accepted and this Court is not convinced with the reasons.

8. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VIII)

//True copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate No.III,
Coimbatore.
2. The Judicial Magistrate-VII,
Coimbatore.
3. The Inspector of Police,
City Crime Branch,
Coimbatore City.
4. The Public Prosecutor,
High Court of Madras, Chennai.

+1cc to Mr.P.Bakiyaraj, Advocate, S.R.No.32487

CRL.O.P.No.14241 of 2017 and
Crl.M.P.No.9066 of 2017

PCH(CO)
RLP(04/08/2021)