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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 01.12.2021

Coram:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P.No.19437 of 2017 &
Crl.M.P.Noss.11752 & 11753 of 2017 & 1649 of 2018

Jebamanickam
Proprietor,
Meridian Man Power Associates,
No.39, North Parade Road,
St. Thomas Mount, Chennai - 16. ...Petitioner

Vs

A.S.Ganapathy ...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to issue a direction for transfer the case in Cr.M.P.No.7305 of 2016 in C.C.No.177 of 2014 from the Fast Track Court [Magistrate Level] at Thoothukudi to Metropolitan Magistrate Court in Saidapet at Chennai.

For Petitioner : Mr.S.Ramajayam

For Respondent : Mr.J.AntonyJesus

O R D E R

This petition has been filed to transfer the case in Cr.M.P.No.7305 of 2016 in C.C.No.177 of 2014 from the Fast Track Court [Magistrate Level] at Thoothukudi to XI Metropolitan Magistrate Court in Saidapet, Chennai.

2. The main ground on which the transfer is sought is that the complaint indicate that money has been paid for securing medical seat and in this regard there is a complaint given before the Central Crime Branch and the proceedings is pending before the XI Metropolitan Magistrate, Saidapet, Chennai. Therefore, the complaint given on the basis of the cheque has to be transferred to XI Metropolitan Magistrate, Saidapet, Chennai.

3. Heard the learned counsel appearing for the petitioner

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and the learned counsel appearing for the respondent.

4. At the outset, this Court is unable to persuade itself to accept the submission of the learned counsel appearing for the petitioner for the simple reason that the case pending before the XI Metropolitan Magistrate is not against this petitioner. It is with regard to some other person and the case arise out of a police report. Whereas, the case against the petitioner has been instituted under section 138 of the Negotiable Instruments Act. Therefore, merely because some other criminal case is pending in Chennai, the same cannot be a ground to transfer the case, which was instituted on the basis of a complaint given by the complainant.

5. The only grievance of the petitioner appears to be that there are contradictions in the statement of witnesses. In such view of the matter, it is for the petitioner to confront the witnesses with regard to contradictions as per law. Hence, this Court is not inclined to transfer the proceedings from the Fast Track Court, Thoothukudi to XI Metropolitan Magistrate Court, Chennai.

6. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed. Considering the nature of the dispute and the fact that the petitioner is from Chennai, the personal appearance of the petitioner before the trial Court is dispensed with except for receiving copies, answering charges, questioning under section 313 Cr.P.C. or any other date as may be required by the Trial Court. The Trial Court shall proceed the matter expeditiously and dispose of the case within a period of four months from the date of receipt of a copy of this Order.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

vrc/kbs

To

1. The Judicial Magistrate,
   Fast Track Court [Magistrate Level],
   Thoothukudi.

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2. The XI Metropolitan Magistrate,
Saidapet, Chennai.

+1cc to Mr.S.Ramajayam , Advocate, S.R.No.62518

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1649 of 2018

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