



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 18.08.2021

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.O.P. (MD)Nos.1083 & 1435 of 2021

Crl.O.P. (MD)No.1083 of 2021

Kathiravan ... Petitioner/Accused
Vs.
S.Jeyaprakash ... Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the learned Judicial Magistrate, Valliyoor, to admit the case on its file in C.C.No.62 of 2016 and transfer the same to some other Court other than Tirunelveli District.

For Petitioner : Mr.K.Neethimohan
For Respondent : Mr.S.Palanivelayutham

Crl.O.P. (MD)No.1435 of 2021

Kathiravan ... Petitioner/Accused
Vs.
K.Kumaramurugesan ... Respondent/Complainant

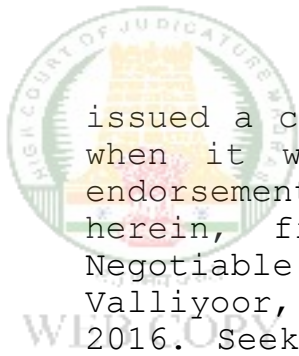
Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to issue a direction to withdraw the case on the file of the learned Judicial Magistrate, Valliyoor in C.C.No.9 of 2016 and transfer the same to some other Court other than Tirunelveli District.

For Petitioner : Mr.K.Neethimohan
For Respondent : Mr.S.Palanivelayutham

COMMON ORDER

Both the petitions are filed seeking transfer of C.C.Nos.62 & 9 of 2016 from the file of the learned Judicial Magistrate, Valliyoor to some other Court.

2. The case of the prosecution is that the petitioner borrowed a sum of Rs.5,00,000/- from the respondent in Crl.O.P.(MD)No.1083 of 2021 and Rs.30,50,000/- from the respondent in Crl.O.P.(MD)No.1435 of 2021 and for the purpose of discharging the above said amount, he



issued a cheques to the respondents bearing Nos.214724 & 214725 and when it was submitted for collection, it was returned with an endorsement that "Funds Insufficient". Hence, the respondents herein, filed a private complaints under Section 138 of the Negotiable Instruments Act, before the learned Judicial Magistrate, Valliyoor, and the same were taken on file in C.C.Nos.62 & 9 of 2016. Seeking transfer of proceedings in C.C.Nos.62 & 9 of 2016, these petitions have been filed.

3. The learned counsel for the petitioner would submit that the respondent in C.C.No.62 of 2016, is a practicing advocate before the learned Judicial Magistrate, Valiyoor. Because of the influence of the respondent, no advocate is ready to appear for the petitioner. So, he is not in a position to conduct the cases properly. On that ground, he seeks transfer of cases to the some other Court.

4. But, the learned counsel for the respondents would submit that he is not practicing law before the concerned Court. Now, he is working in Windmill Company. But, however, he has not raised objection to transfer the cases.

5. But, however, in view of the allegation made by the learned counsel for the petitioner, both the cases are transferred from the file of the learned Judicial Magistrate, Valiyoor to the learned Judicial Magistrate No.I, Madurai, and the Criminal Original Petitions stand allowed.

6. The learned Judicial Magistrate, Valiyoor is directed to transmit the entire records immediately on receipt of a copy of this order and after receiving the entire records, the learned Judicial Magistrate No.I, Madurai, shall take the same on file immediately, the parties shall appear on receipt of notice.

Sd/-

Assistant Registrar (CS-III)

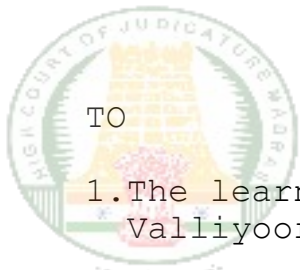
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Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



TO

1.The learned Judicial Magistrate,
Valliyoor.

2.The learned Judicial Magistrate No.I,
Madurai.

CrI.O.P.(MD)Nos.1083 & 1435 of 2021

GC(02.09.2021) 3P 3C