



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.09.2021

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGOVAN

Crl.O.P. (MD)No.13795 of 2021

WEB COPY

Ganapathy

... Petitioner

Vs.

Thiraviavelan

... Respondent

Prayer : Criminal Original Petition filed under Section 407 of the Code of Criminal Procedure, to pass an order for transferring the Cr.MP.No.3234 of 2019 in STC.No. of 2021 from the file of learned Judicial Magistrate, Alangulam, Tenkasi District to the learned Judicial Magistrate, Thiruvarur.

For Petitioner

: Mr.M.Sankar

ORDER

This petition is filed seeking transfer of Cr.MP.No.3234 of 2019 on the file of learned Judicial Magistrate, Alangulam, Tenkasi District, which was filed under Section 142 (b) of Negotiable Instrument Act, seeking to condone the delay of 283 days in filing the complaint.

2.The learned counsel for the petitioner would submit that in view of the amendment of Negotiable Instrument Act, the complaint ought to have presented before which the account of the complainant is present. So, on that ground, this petition is filed.

3.The petitioner can very well approach the trial court namely, Judicial Magistrate, Alangulam, Tenkasi District., seeking transfer of Cr.M.P.No.3234 of 2019 on the basis of the amendment. Instead of approaching the trial Court, this petition came to be filed under Section 407 Crl.P.C, which may not lie in the facts and circumstances of the case.

4.In view of the above, this Criminal Original Petition is dismissed, with liberty to the petitioner to approach the trial Court. If any difficulty is experienced by the petitioner or any trouble arises, the petitioner can approach this Court for appropriate remedy.

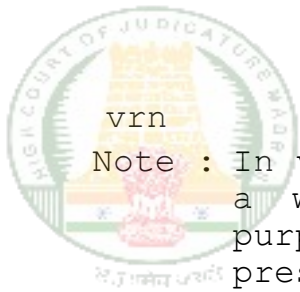
Sd/-

Assistant Registrar (CS-I)

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/ /2021

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.

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TO

The Judicial Magistrate,
Alangulam, Tenkasi District.

CrI.O.P. (MD) No.13795 of 2021

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