



WEB COPY



Crl.O.P.Nos.4422, 4425 & 4427 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2022

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.Nos.4422, 4425 & 4427 of 2022
and Crl.M.P.Nos. 2225, 2226 & 2230 of 2022

Crl.O.P.No.4422 of 2022

M/s.FRESH BUY FROM JM FARMS,
151, 8th Main, 3rd Block, 5th Cross,
Koramangala, Banagalore – 560034.
Rep. by its Proprietor/Authorised Signatory,
Manoj Kumar Dugar

....

Petitioner

Vs

M/s. Sri Navasakthi Vinayaga Tex,
Rep. by its Proprietor,
G.Kumar
18B, South Colony,
B.Komarapalayam – 638 183,
Trichengode Taluk, Namakkal District.

....

Respondent

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to withdraw the case in STC No.70 of 2021 pending on the file of the Judicial Magistrate Court No.I, Bhavani and to transfer the same to the Judicial Magistrate Court No.III, Erode to be tried along with STC No.1780 of 2016.

For Petitioner : Mr.A.E.Ravichandran

For Respondent : Mr.M.Guruprasad



Crl.O.P.Nos.4422, 4425 & 4427 of 2022

Crl.O.P.No.4425 of 2022

M/s.FRESH BUY FROM JM FARMS,
151, 8th Main, 3rd Block, 5th Cross,
Koramangala, Banagalore – 560034.
Rep. by its Proprietor/Authorised Signatory,
Manoj Kumar Dugar

....

Petitioner

Vs

Pahilaj K Karla,
100, Cutcherry Street,
Erode 638 001
rep by his power holder
R.S.Muniraj

....

Respondent

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to withdraw the case in STC No.3523 of 2016 pending on the file of the Judicial Magistrate Court No.II, Erode and to transfer the same to the Judicial Magistrate Court No.III, Erode to be tried along with STC No.1780 of 2016.

For Petitioner : Mr.A.E.Ravichandran

For Respondent : No Appearance

Crl.O.P.No.4427 of 2022

M/s.FRESH BUY FROM JM FARMS,
151, 8th Main, 3rd Block, 5th Cross,
Koramangala, Banagalore – 560034.
Rep. by its Proprietor/Authorised Signatory,
Manoj Kumar Dugar

....

Petitioner

Vs



Crl.O.P.Nos.4422, 4425 & 4427 of 2022

M/s.L.S.Tex,
Rep by its Proprietrix,
Mrs.Geetha
18G, High School Road,
Komarapalayam 638 183.
Tiruchengode Taluk,
Namakkal District
Rep by her Manager and
Power of Attorney Holder
Mr.Govindaraj

.... Respondent

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to withdraw the case in STC No.48 of 2020 pending on the file of the Judicial Magistrate Court, Komarapalayam and to transfer the same to the Judicial Magistrate Court No.III, Erode to be tried along with STC No.1780 of 2016.

For Petitioner : Mr.A.E.Ravichandran
For Respondent : No Appearance

COMMON ORDER

Crl.O.P.No.4422 of 2022 has been filed to withdraw the case in STC No.70 of 2021 pending on the file of the Judicial Magistrate Court No.I, Bhavani and to transfer the same to the Judicial Magistrate Court No.III, Erode to be tried along with STC No.1780 of 2016.

2. Crl.O.P.No. 4425 of 2022 has been filed to withdraw the case in STC No.3523 of 2016 pending on the file of the Judicial Magistrate Court No.II, Erode and to transfer the same to the Judicial Magistrate



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Court No.III, Erode to be tried along with STC No.1780 of 2016.

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3. Crl.O.P.No. 4427 of 2022 has been filed to withdraw the case in STC No.48 of 2020 pending on the file of the Judicial Magistrate Court, Komarapalayam and to transfer the same to the Judicial Magistrate Court No.III, Erode to be tried along with STC No.1780 of 2016.

4. The petitioner is an accused in all cases arising out of the offence punishable under Section 138 of Negotiable Instrument Act filed by the respondent. All the three cases are pending on the file of the Judicial Magistrate No.I, Bhavani, Judicial Magistrate No.II, Erode and Judicial Magistrate, Komarapalayam. However, it is within the District of Erode.

5. The learned counsel appearing for the petitioner would submit that he found very difficult to attend all the three cases pending in three different Courts. He has got very good case to succeed and as such, he wants to conduct all the cases before one Trial Court.



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6. The learned counsel appearing for the respondent would submit that STC No.1780 of 2022 is pending on the file of the Judicial Magistrate No.III, Erode, from the year 2016. The other STC No.3523 of 2016 is pending on the file of the Judicial Magistrate No.II, Erode and another complaint in STC No.70 of 2021 is pending on the file of the Judicial Magistrate No.I, Bhavani, Erode District. Another STC No.48 of 2020 is pending on the file of the Judicial Magistrate, Komarapalayam.

7. Considering the facts and circumstances of the case, the convenience of both the parties viz., the petitioner as well as the defacto complainant, this Court is inclined to transfer all the cases to one Court. Accordingly, STC No.3523 of 2016 is hereby withdrawn from the file of the Judicial Magistrate No.II, Erode and transferred to the file of Judicial Magistrate No.III, Erode. STC No.70 of 2021 is hereby withdrawn from the file of the Judicial Magistrate No.I, Bhavani, Erode District and transferred to the file of the Judicial Magistrate No.III, Erode and STC No.48 of 2020 is hereby withdrawn from the file of the Judicial Magistrate, Komarapalayam and transferred to the file of the Judicial Magistrate No.III, Erode. On receipt of the entire case bundles, the Trial



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Court, viz., the Judicial Magistrate No.III, Erode is directed to conduct trial in all the cases and complete the same within a period of six months from the date of receipt of a copy of this order.

8. With the above direction, these Criminal Original Petitions are allowed. Consequently, connected miscellaneous petitions are closed.

13.09.2022

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

vsn/Lpp

To

1. The Judicial Magistrate No.,I,
Bhavani, Erode District.

2. The Judicial Magistrate No.II,
Erode.

3. The Judicial Magistrate,
Komarapalayam.

4. The Judicial Magistrate No.III,
Erode.



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G.K.ILANTHIRAIYAN. J.

vsn/Lpp

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and Crl.M.P.No.2225, 2226 & 2230 of 2022

13.09.2022