



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2022

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P.Nos.9211, 9213, 9237, 9238, 9242, 9243 and 9245 of 2022
and
Crl.M.P.Nos.5365, 5372, 5383, 5384, 5386, 5387 and 5391 of 2022

FRANCIS XAVIERSINGHARAJ,
S/o.LATE F.A.SINGHARAJ,
MANAGING DIRECTOR,
M/S FRANCIS KANOI MARKETING
PLANNING SERVICES PVT LTD.,
OFF.No.J-85, 13th MAIN ROAD,
ANNA NAGAR WEST, CHENNAI - 600 040.

...PETITIONER IN ALL CRL.OPS

-VS-

AJITH LULLA

... RESPONDENT in CRL OP
No.9211,9237,9238,
9242,9245 of 2022

KAVITHALULLA

... RESPONDENT in CRL OP
No.9213, 9243 of 2022

Prayer in CRL OP No.9211 of 2022:

Criminal Original Petition filed under Section 407 Cr.P.C. to transfer the C.C.No.47 of 2021, pending before the Judicial Magistrate Court, Thiruvottiyur, to Fast Track, Court-II, (Lilly Pond Complex), Egmore, Chennai

Prayer in CRL OP No.9213 of 2022:

Criminal Original Petition filed under Section 407 Cr.P.C. to transfer the C.C.No.42 of 2020, pending before the Judicial Magistrate Court, Thiruvottiyur, To Fast-Track, Court-II, (Lilly Pond Complex), Egmore, Chennai

Prayer in CRL OP No.9237 of 2022:

Criminal Original Petition filed under Section 407 Cr.P.C. to transfer the C.C.No.16 of 2021, pending before the Judicial Magistrate Court, Thiruvottiyur, to Fast-Track, Court-II, (Lilly



Pond Complex), Egmore, Chennai
Prayer in CRL OP No.9238 of 2022:

Criminal Original Petition filed under Section 407 Cr.P.C. to transfer the CC No.48/2021 pending before the Judicial magistrate Court, Thiruvottiyur to Fast Track Court-II (Lilly Pond Complex), Egmore, Chennai

Prayer in CRL OP No.9242 of 2022:

Criminal Original Petition filed under Section 407 Cr.P.C. to transfer the CC No.49/2021 pending before the Judicial magistrate Court, Thiruvottiyur to fast Track Court-II (Lilly Pond Complex), Egmore, Chennai

Prayer in CRL OP No.9243 of 2022:

Criminal Original Petition filed under Section 407 Cr.P.C. to transfer the C.C.No.17 of 2021, pending before the Judicial Magistrate Court, Thiruvottiyur, to Fast-Track, Court-II, (Lilly Pond Complex), Egmore, Chennai

Prayer in CRL OP No.9245 of 2022:

Criminal Original Petition filed under Section 407 Cr.P.C. to transfer the CC No.50/2021 pending before the Judicial magistrate Court, Thiruvottiyur to fast Track Court-II (Lilly Pond Complex), Egmore, Chennai.

Prayer in Crl.O.P.No.9211 of 2021 : This Criminal Original Petition filed under Section 482 Cr.P.C. to transfer the C.C. No.47 of 2021, pending before the Judicial Magistrate Court, Thiruvottiyur to Fast-Track, Court-II, (Lilly Pond Complex), Egmore, Chennai.

For Petitioner : Mr.V.Shankar
(in all OP's)

For Respondent : Mr.D.Chandrasekaran
(in all OP's)

COMMON ORDER

These Criminal Original Petitions have been filed seeking to transfer the proceedings initiated under Section 138 Negotiable Instruments Act pending on the file of the Judicial Magistrate Court, Thiruvottiyur, in C.C.No.47 of 2021, C.C.No.42 of 2020, C.C.No.16 of 2021, C.C.No.48 of 2021, C.C.No.49 of 2021, C.C.No.17 of 2021 and C.C.No.50 of 2021 to Fast-Track, Court-II, (Lilly Pond Complex), Egmore, Chennai.



2. The main ground on which the transfer sought is, there are already two complaints pending between the parties before the Egmore Court. Therefore, for the convenience of the parties, all the cases are sought to be transferred to Egmore Court.

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3. The learned counsel for the respondents would contend that such transfer cannot be ordered as the cause of action arose only at Tiruvottiyur where the cases have been filed and it will be more inconvenient to the parties to appear before the Court in Egmore. Hence, he vehemently opposed.

4. This Court is of the view that admittedly Tiruvottiyur and Egmore is not far. Merely because some other cases are pending in Egmore Court, the same cannot be a ground to transfer all other cases which are pending in Tiruvottiyur Court. No doubt, the Court will also consider the convenience of the parties. Such convenience also applies to both sides and not to the petitioner alone.

5. When the Court put a question whether the petitioner is willing to conduct the cases in Tiruvottiyur in respect of the two cases pending before the Egmore Court, he is not willing. Hence, I do not find any merits for transferring the cases.

6. Accordingly, these Criminal Original Petitions are dismissed. Consequently, connected Miscellaneous Petitions are closed.

7. The learned Judicial Magistrate, Tiruvottiyur, is directed to expedite the trial and dispose of the cases within a period of four months from the date of receipt of copy of this order.

Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

ksa-2/nr

To

1. The Judicial Magistrate Court,
Thiruvottiyur.
2. The Fast-Track, Court-II, Lilly Pond Complex, Egmore,
Chennai.



3. The Public Prosecutor,
High Court, Madras.

+7cc to Mr.D.Chandrasekaran, Advocate, S.R.No.36894

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CrI.O.P.Nos.9211, 9213, 9237, 9238, 9242, 9243 and 9245 of 2022
and
CrI.M.P.Nos.5365, 5372, 5383, 5384, 5386, 5387 and 5391 of 2022

RP (CO)
CT/06/07/2022