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Crl.M.P.No.14418 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2022

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

Crl.M.P.No.14418 of 2022

in

Crl.O.P.No.17086 of 2022

Mallika

... Petitioner

Vs

1.A.Rajendiran

2.State Represented by
Public Prosecutor,
Coimbatore District.

... Respondents

PRAYER: Criminal Original Petitions filed under Section 482 of Cr.P.C, to set aside the order of dismissal of the above Transfer petition which was dismissed for non-prosecution in Crl.O.P.No.17086 of 2022 by order dated 26.07.2022 and restore the same on file and decide the same on merits.

For Petitioners : Mr.C.Ramkumar

For Respondents

For R2 : Mr.E.Raj Thilak
Additional Public Prosecutor



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ORDER

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This petition has been filed to restore the Transfer petition in Crl.O.P.No.17086 of 2022, which was dismissed for non-prosecution by this Court dated 26.07.2022.

2. This said petition was filed challenging the order passed in Tr.Crl.M.P.No.2597 of 2021, thereby, dismissed the petition seeking transfer of trial.

3. The petitioner is an accused in the complaint lodged by the first respondent for the offence under Section 138 of NIA Act. She is also facing another complaint lodged by the another complainant for the offence under Section 138 of Negotiable Instruments Act, in C.C.No.302 on the file of the Judicial Magistrate, Fast Track at Magisterial Level-I, Mettupalayam, and C.C.No.314 of 2017 on the file of the Judicial Magistrate Court, Mettupalayam. Therefore, the petitioner sought for transfer of trial in C.C.No.302 of 2016 pending on the file of the Judicial Magistrate, Fast Track at Magisterial Level-I, Coimbatore, to transfer the case to the file of



the Judicial Magistrate, Mettupalayam, along with C.C.No.314 of 2017, and the same was dismissed.

4. The learned counsel for the petitioner would submit that the petitioner is a lady and both the cases arises out of the same transaction further, the cheques were filled by different complainant and the cases are filed in different Courts. Therefore, if both the trial conducted by the same Court, there is no possibility of conflict of judgments.

5. It is seen that C.C.Numbers of the year 2016 and 2017 which are pending on the file of the Judicial Magistrate, Mettupalayam, Coimbatore District, and the Judicial Magistrate Fast Tract at Magisterial Level-I, Coimbatore. The petitioner, dragged the trial for four years and has now filed a petition for transfer of the trial.

6. Admittedly, both the complainants are different and both the cases were filed separately. Therefore, this Court finds no reasons to interfere with the order passed by the Court below since it does not warrant any



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interference by this Court and there is no merits in this main petition and as such no purpose would be served by restoring the order passed by this Court.

7. Hence, the criminal miscellaneous petition stands dismissed.

22.09.2022

Index:Yes/no
Speaking/non speaking order
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G.K.ILANTHIRAIYAN. J,
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To

- 1.Public Prosecutor,
Coimbatore District.
- 2.The Public Prosecutor,
Madras High Court,
Chennai.

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22.09.2022