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Crl.O.P.No.23377 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.10.2022

CORAM:

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.O.P.No.23377 of 2022

and

Crl.M.P.No.14932 of 2022

K.Balakrishnan

... Petitioner

Vs.

M/S Aptus Value Housing Finance India Ltd.,
Rep by its Senior Legal Executive,
Mr.S.Balaji, (M/A 28 years)
S/o.R.Saravanan,
having office at 8 B, Doshi Tower,
No.205, Poonamalle High Road,
Kilpauk, Chennai 600 010.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to withdraw the STC NO.689 of 2021 on the file of the Judicial Magistrate Fast Track Court at Poonamalle and transfer the same to the file of learned Judicial Magistrate II, Kuzhithurai, Kanyakumar District.

For Petitioner : Ms.J.Swetha
for Mr.T.Balaji



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ORDER

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This Criminal Original petition has been filed to withdraw the STC No.689 of 2021 on the file of the learned Judicial Magistrate Fast Track Court at Poonamalle and transfer the same to the file of learned Judicial Magistrate II, Kuzhithurai, Kanyakumar District.

2.The learned Counsel appearing for the petitioner submitted that the respondent filed complaint against the petitioner for dishonour of cheque issued by the petitioner dated 08.07.2021 bearing Cheque No.664418 and drawn at State Bank of India having its office Chemmanvilai, Vilavancodu Taluk, Kanyakumari District, Tamil Nadu 629 172 for a sum of Rs.1,79,324/- (Rupees One Lakh Seventy Nine Thousand Three Hundred and Twenty Four Only). He would submit that the petitioner is residing at Kanyakumari and the above said STC No.689 of 2021 is pending before the learned Judicial Magistrate Fast Track Court at Poonamalle. The petitioner is facing difficulty to approach the concerned Court at Poonamalle. Hence, the present petition has been filed.



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3. I have considered the matter in the light of the submission made by the learned counsel for the petitioner and perused the entire materials available on record.

4. On perusal of records, it reveals that the petitioner is an accused, facing trial in STC No.689 of 2021 on the file of the learned Judicial Magistrate Fast Track Court at Poonamalle. The respondent has filed a private complaint for the offence committed by the petitioner punishable under Section 138 of N.I.Act for the dishonour of cheque bearing No. 664418, which was given for loan transaction. The cheque was dishonoured on 13.07.2021 stating that “Fund Insufficient”. After receiving legal notice, the complaint has been filed and now the case has been taken by the learned Judicial Magistrate Fast Track Court at Poonamalle in ST.C.No.689 of 2021.

5. I have gone through the affidavit filed by the petitioner, the reason stated by the petitioner to transfer the case from the file of learned Judicial Magistrate Fast Track Court at Poonamalle to the file of learned Judicial Magistrate II, Kuzhithurai, Kanyakumari District is that the petitioner is facing difficulty to travel from Kanyakumari to Poonamalle. Apart from this, there is no valid and sufficient reason to transfer the case. Hence, I do not find any merits in this case.



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V.SIVAGNANAM, J.

shk

6. Accordingly, this Criminal Original Petition stands dismissed.
Consequently, connected Criminal Miscellaneous Petition is closed.

7. At this juncture, learned counsel for the petitioner seeks permission of this Court to dispense with the personal appearance of the petitioner. Accordingly, the personal appearance of the petitioner is dispensed with on condition that the petitioner shall appear before the Trial Court for further proceedings whenever required by the Trial Court.

14.10.2022

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
shk

1. The learned Judicial Magistrate Fast Track Court at Poonamalle

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