



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD) .No.2430 of 2022

1. A.Rajangam

2. R.Veerammal

... Petitioners

Vs.

1. B.Muthu Kumar

2. M.Muthubalaji

3. N.Irulandi

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to set aside the Order of Rejection of Unnumbered Tr.CMP dated 21.12.2021 on the file of the Principal District Court, Theni.

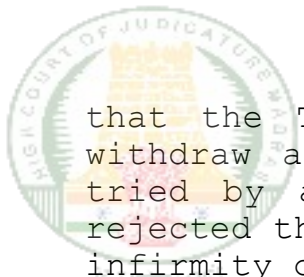
For Petitioners : Mr.P.Muthu Vijaya Pandian
For R-1 : Mr.P.Thirumahilmaran

ORDER

This Criminal Original Petition has been filed challenging the order of rejection of unnumbered Tr.CMP dated 21.12.2021 on the file of the Principal District Court, Theni.

2. The petitioners filed a Transfer CMP and the same was returned for the reason that the said Court is not empowered to withdraw any pending proceeding from any Magistrate Court to be tried by a Sessions Court. It is seen that the second petitioner is facing trial for the offences punishable under Section 138 of Negotiable Instruments Act in S.T.C.No.15 of 2021 on the file of the learned Judicial Magistrate(Fast Track Court), Uthamapalayam and S.T.C.No.103 of 2021 on the file of the learned Judicial Magistrate (Fast Track Court), Theni. Those complaints were filed on the basis of the dishonoured cheques.

3. However, the first respondent also filed a suit in O.S.No.158 of 2021 on the file of the Principal District and Sessions Court, Theni on the strength of the pro-note issued by the petitioners. Therefore, the Court below passed the impugned order



that the Trial Court in O.S.No.158 of 2021 is not empowered to withdraw any pending proceedings from any Magistrate Court to be tried by a Sessions Court. Therefore, the Court below rightly rejected the request made by the petitioners and this Court finds no infirmity or illegality in the order passed by the Court below.

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4. Accordingly, this Criminal Original Petition stands dismissed. The Registry is directed to return the original impugned order to the learned counsel for the petitioners.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lm

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.

+1 CC to M/s.P.THIRUMAHIL MARAN, Advocate (SR-7543[F] dated 21/02/2022)

+1 CC to M/s.P.MUTHUVIJAYAPANDIAN, Advocate (SR-8193[F] dated 23/02/2022)

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MGJ(11.03.2022) 2P 3C