



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2022

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

Cr1.OP(MD)No.6429 of 2019

and

Cr.MP(MD)No.4253 of 2019

WEB COPY

S.Muthusubramanian

... Petitioner/Petitioner

vs.

S.Serman @ Sermakani

... Respondent/Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to transfer the case in S.T.C.No.1459 of 2014 on the file of the Judicial Magistrate Court, Tenkasi to the Judicial Magistrate No.III, Salem.

For Petitioner

: Mr.F.X.Eugene

For Respondent

: Mr.V.Kathirvelu, Senior Counsel
for Mr.K.Prabhu

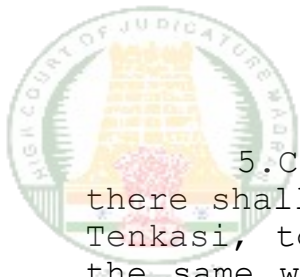
O R D E R

This petition is filed seeking transfer of the case in S.T.C.No.1459 of 2014 on the file of the Judicial Magistrate Court, Tenkasi, to the Judicial Magistrate No.III, Salem.

2.The petition came to be filed on the grounds that he is now settled in Salem and originally his native is Kulasegaramangalam, Tirunelveli District. Later, he was settled in Salem and there was a pressure on the side of the respondent to withdraw the complaint, which is pending before the Judicial Magistrate Court, Tenkasi. The respondent has made a vexatious complaint against the petitioner before the Senthamaram Police Station. On the basis of the above said complaint, harassment was made by the police. Hence the petitioner approached this Court by way of filing not to harass petition and the same was also allowed.

3.The learned Senior counsel is appearing for the respondent would submit that there was no such threat and pressure on the side of the respondent.

4. The petitioner is not in a position to travel Thirunelveli for attending the court proceedings, which is initiated under Section 138 of Negotiable Instrument Act. It is seen that none of the ground is attracted to transfer the case and change of residence is not a matter for considering this petition. However, the petitioner can make arrangements through his Advocate.



5.Considering the fact that the matter is of the year 2014, there shall be a direction to the learned Judicial Magistrate Court, Tenkasi, to expedite the trial in S.T.C.No.1459 of 2014 and dispose the same within a period of 3 months from the date of receipt of a copy of this order.

6.With the above direction, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

dss

To

The Judicial Magistrate,
Tenkasi.

+1 CC to M/s.F.X.EUGENE, Advocate (SR-5393[F] dated 10/02/2022)

+1 CC to M/s.K.PRABHU, Advocate (SR-5541[F] dated 11/02/2022)

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SB (CO)

KB (22.02.2022) 2P 4C