



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 21/04/2022

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

Cr1.OP(MD)Nos.8401 and 8417 of 2019
and
Cr1.MP(MD)Nos.5245 and 5262 of 2019

(1)Cr1.OP(MD)No.8401 of 2019:-

Christopher : Petitioner/Sole Accused

Vs.

P.Sathyaseelan : Respondent/Complainant

Prayer: Criminal Original Petition has been filed under section 407 of the Criminal Procedure Code, to transfer the STC No.329 of 2010 on the file of the Judicial Magistrate, Rajapalayam, Virudhunagar District to the Judicial Magistrate No.VI, Trichy.

For Petitioner : Mr.K.M.Subrahmaniam

For Respondent : Mr.V.Thirumal

(2)Cr1.OP(MD)No.8417 of 2019:-

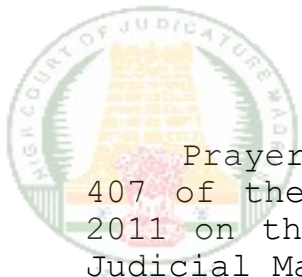
1.S.J.Films International (Pvt) Limited
Represented by its Managing Director,
1st Floor, South Kattur,
Kauvery Nagar, Trichy.

2.Christopher : Petitioners/Petitioners

Vs.

1.S.Kalaiselvan
2.Sakkariyas
3.S.Robert Rajkumar
4.S.Shanthi Josephine
5.S.James Charles
6.S.Christopher

: Respondents



Prayer: Criminal Original Petition has been filed under section 407 of the Criminal Procedure Code, to transfer the STC No.141 of 2011 on the file of the Judicial Magistrate, Srivilliputhur to the Judicial Magistrate No.VI, Trichy.

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For Petitioners : Mr.K.M.Subrahmaniam

For 1st Respondent : Mr.V.Thirumal

For R2 to R6 : No appearance

COMMON ORDER

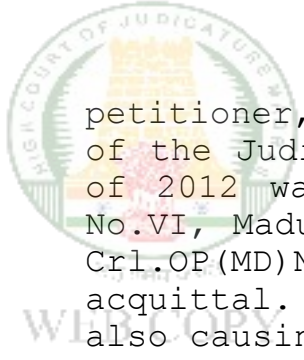
These criminal original petitions have been filed seeking to transfer the case in STC No.329 of 2010 on the file of the Judicial Magistrate, Rajapalayam and STC No.141 of 2011 on the file of the Judicial Magistrate, Srivilliputhur to the Judicial Magistrate No.IV, Trichy.

2.Both the petitions are filed with the following allegations:-

The petitioner namely Christopher is the Proprietor of S.J. Enterprises as well as S.J Films International (Pvt) Limited, has filed Cr1.OP(MD)No.8401 of 2019 seeking transfer of STC No.329 of 2010 from the file of the Judicial Magistrate, Rajapalayam, Virudunagar District to the Judicial Magistrate No.VI, Trichy. Similarly Cr1.OP(MD)No.8417 of 2019 has also filed seeking transfer of STC No.141 of 2011 pending on the file of the Judicial Magistrate, Srivilliputhur to the Judicial Magistrate No.VI, Trichy.

3.The common averments:- Both the cases are pending against the petitioners and others in the above said two courts, which were filed under section 138 of the Negotiable Instruments Act. The respondent namely P.Sathyaseelan is a practising Advocate and Mr.D.Kithiyonraj is also a practising Advocate in Rajapalayam. They got custody of the documents, which belongs to the petitioners viz., unfilled cheques, pro-notes, etc., and filed both the above said complaints. Now the Advocates cannot enter into the transaction of advancing loans. It is not permissible under the Advocates Act. The cases have been registered at the instance of the above said Advocates.

4.The complainant P.Sathyaseelan lodged a complaint in 2012 itself against the accused persons stating that he was assaulted and abused in filthy language as against the Advocate Mr.D.Kithiyonraj, who is the counsel appearing in STC No.141 of 2011. The case was registered in Crime No.105 of 2012 for the offences under sections 341, 294(b), 323 and 506(i) IPC. Due to the above said issue, the Advocate friends and the Advocates continuously disturbed the



petitioner, while he was appearing in CC No. 130 of 2012 on the file of the Judicial Magistrate No.VI, Madurai. So the case in CC No.130 of 2012 was transferred from the file of the Judicial Magistrate No.VI, Madurai to the Sivagangai, as per the order of this court in Crl.OP(MD)No.15375 of 2013, dated 06.07.2013. That case ended in acquittal. Mr.P.Sathiyaseelan is also practising Advocate and he is also causing frequent trouble. So on that ground, Crl.OP(MD)No.8401 of 2019 is filed seeking transfer of the case in STC No.329 of 2010 from the file of the Judicial Magistrate, Rajapalayam to the Judicial Magistrate No.6, Trichy. Similarly for the very same reason, the case, which is pending in STC No. 141 of 2011 on the file of the Judicial Magistrate, Srivilliputhur, Virudhunagar District must also be transferred to the Judicial Magistrate Court No.6, Trichy.

5.Heard both sides.

6.It is unfortunate to note that the case registered in the year 2010, still has not seen the light of the day. The reason being that for one or other reason, the accused persons approached this court, either for quashment or for transfer of the case to some other court or place. All the petitions that have been filed, either by the petitioners or by the co-accused failed. In fact, the Trial Court was directed to expedite and complete the same within a stipulated time. Due to the non cooperation of the accused persons, it could not be completed. So the concerned court has also sent a request seeking extension of time. A report has also been called for with regard to the stage of the proceedings.

7.On going through the entire back ground as well as the conduct of the co-accused, I am of the considered view that not only the petitioners, but also the co-accused are misusing the process of the court.

8.The learned counsel appearing for the petitioners would rely upon the complaint, which was given by the petitioner Christopher in 2011 about the conduct of the respondent P.Sathyaseelan and his men. According to him, even an attempt was made, when they attending the court. But what happened after that is not clear on record.

9.According to the respondent (P.Sathyaseelan), even though he is a practising Advocate, later shifted the residence from Virudhu Nagar and now settled in Trichy. He would further submit that he will not make any trouble to the petitioners, while attending the court. So it is seen that the petitioner wants to go back to the occurrence that allegedly took place in 2011, when the case was filed.

10.The contention of the petitioner that the respondent (P.Sathyaseelan) being the Advocate has misused the cheque, which was given by the client. But those things cannot be taken into



account at this stage.

11.I find that there is no threat to the petitioners, while attending the court at the hands of the respondent. Only to drag on the proceedings, repeated attempts have been made. So, I find no merit in both the petitions and accordingly, these petitions are liable to be dismissed and the petitioners are directed to cooperate with the trial court, as per the order passed in Crl.OP(MD)No.10298 of 2020, dated 13/08/2021 and by observing order that has been passed in Crl.OP(MD)Nos.15023 and 15294 of 2011, dated 20/06/2019.

12.In the result, these criminal original petitions are **dismissed**. Consequently connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(AS)

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/ /2022

Sub Assistant Registrar(CS)

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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.

To,

1.The Judicial Magistrate,
Rajapalayam, Virudhunagar District,

2.The Judicial Magistrate,
Srivilliputhur, Virudhunagar District.

+2 CC to M/s.V. THIRUMAL, Advocate (SR-20246 & 20247[F] dated 21/04/2022)

Crl.OP(MD)Nos.8401 and 8417 of 2019

21.04.2022

SP(CO)

TR(21.06.2022) 4P 5C