



WEB COPY



Crl.O.P.No.1265 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.1265 of 2023
and
Crl.M.P.Nos.735 and 736 of 2023

Sekar

...Petitioner

Vs.

Balakrishnan

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records in C.M.P.No.167 of 2021 dated 24.08.2022 on the file of Chief Judicial Magistrate, Villupuram and set aside the same consequently transfer the case.

For Petitioner : Mr.S.Ramachandran

For Respondent : Mr.S.Santhosh
Government Advocate (Criminal side)

ORDER

This Criminal Original Petition has been filed to set aside C.M.P.No.167 of 2021 dated 24.08.2022 on the file of Chief Judicial Magistrate, Villupuram and transfer the case.



CrI.O.P.No.1265 of 2023

2. The learned counsel for the petitioner submitted that the respondent filed STC.No.1 of 2020 on the file of Fast Track Court(Magistrate Level), Kallakurichi under Section 138 of Negotiable Instruments Act. On 06.08.2021, when the petitioner appeared for enquiry in that case, the respondent threatened the petitioner in the Court campus itself. Therefore, petitioner gave a complaint against the respondent in Kallakurichi Police Station and CSR.No.658 of 2021 was registered. Since, no action was taken on that complaint, the petitioner filed petition to transfer STC.No.1 of 2020 from the file of Fast Track Court, Kallakurichi to any other Court under the jurisdiction of the Chief Judicial Magistrate at Villupuram in CMP.No.167 of 2021. On that basis, learned Chief Judicial Magistrate called for remarks from learned Judicial Magistrate, Fast Track Court, Kallakurichi. The learned Judicial Magistrate Kallakurichi, Fast Track court submitted a report stating that the case was adjourned from 04.08.2021 to 11.08.2021 and it was not posted on 06.08.2021. Considering the facts that case was not posted on 06.08.2021, the learned Chief Judicial Magistrate found that the reason stated for transfer of the case, is obviously not true. Therefore, that petition was dismissed.



CrI.O.P.No.1265 of 2023

3. Challenging the dismissal order, this petition is filed.

WEB COPY

4. The learned counsel for the petitioner submitted that, in the transfer petition, date of the incident has been wrongly mentioned as '06.08.2021' instead of '04.08.2021'.

5. Considered the submission and perused the record.

6. Even assuming that, the date of the occurrence is 04.08.2021, merely because there was a threat made by the respondent against the petitioner in the Court campus itself cannot be considered as a ground for transferring the case. It is seen from the submission that already a police complaint was given and CSR.No.658 of 2021 is pending in that regard. Even if the police has not taken any steps on the complaint given by the petitioner, it is always open to the petitioner to workout his remedy in the manner known to law.

7. This Court finds no reason to defer from the view taken by the Chief Judicial Magistrate, Villupuram in dismissing the transfer petition. Therefore, the order of the Chief Judicial Magistrate, Villupuram in CMP.No.167 of 2021



CrI.O.P.No.1265 of 2023

is confirmed and accordingly, this Criminal Original Petition is dismissed.

WEB CON Consequently, the connected Miscellaneous Petitions are closed.

23.01.2023

Internet :Yes

Index :Yes/No

gd

To:

1.The Chief Judicial Magistrate, Villupuram

2.The Public Prosecutor,
High Court of Madras.

G.CHANDRASEKHARAN, J.

4/5



WEB COPY



Crl.O.P.No.1265 of 2023

gd

Crl.O.P.No.1265 of 2023

23.01.2023