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Crl.O.P.Nos.1507 & 1508 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.Nos.1507 & 1508 of 2023 and
Crl.M.P.No.884 of 2023

S.Priya ..Petitioner in Crl.O.P.No.1507 of 2023

Sathishkumar ..Petitioner in Crl.O.P.No.1508 of 2023

Vs.

A.Thiyagarajan ...Respondents in both Crl.O.P's.

PRAYER in Crl.O.P.No.1507 of 2023: This Criminal Original Petition is filed under Section 407 of Cr.P.C to withdraw the C.C.No.184 of 2022 on the file of the learned Judicial Magistrate Court II at Kancheepuram and transfer to Judicial Magistrate Court at Thiruvottriyur.

PRAYER in Crl.O.P.No.1508 of 2023: This Criminal Original Petition is filed under Section 407 of Cr.P.C to withdraw the C.C.No.185 of 2022 on the file of the learned Judicial Magistrate Court II at Kancheepuram and transfer to Judicial Magistrate Court at Thiruvottriyur.

For Petitioner : Mr.G.S.Prabu

For Respondent : Mr.S.Santhosh
Government Advocate (Crl. Side)



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ORDER

These Criminal Original Petitions have been filed to withdraw the C.C.Nos.184 & 185 of 2022 on the file of the learned Judicial Magistrate Court II at Kancheepuram and transfer to Judicial Magistrate Court at Thiruvottriyur.

2. The reasons according to the learned counsel for the petitioner for transfer of C.C.Nos.184 & 185 of 2022 on the file of the learned Judicial Magistrate Court II at Kancheepuram to Judicial Magistrate Court at Thiruvottriyur is that, petitioner produced sureties under Section 88 of Cr.PC before the Judicial Magistrate II, Kancheepuram. However, it was detained for the reason that certain documents were not produced. The learned Judicial Magistrate II, Kancheepuram is insisting for production of property documents and bank pass book with minimum balance of Rs.10,000/-. Now, petitioners are not in a position to comply with this direction. The next ground is that, the complainant in the cheque case A.Thiyagarajan is a practising advocate in the Court at Kancheepuram. For these two reasons, petitioners are apprehending the conduct of trial before the Judicial Magistrate, Kancheepuram. Therefore, present petition is filed.



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3. Considered the submissions and perused the records. The transfer of C.C.Nos.184 & 185 of 2022 from the file of the learned Judicial Magistrate Court II at Kancheepuram to Judicial Magistrate Court at Thiruvottriyur cannot be entertained for the reason that the complainant in cheque case Thiyagarajan is an advocate and he is practising in the Court at Kancheepuram. With regard to the other ground that, Judicial Magistrate-II, Kancheepuram is insisting the production of property documents as surieties with bank pass book having balance of not less than Rs.10,000/-, this Court is of the view that, if really these conditions are imposed, it is inappropriate and onerous. The learned Judicial Magistrate can insist only two solvent sureties.

4. Accordingly, these Criminal Original petitions are dismissed with the above direction. Consequently, connected miscellaneous petition is closed.

30.01.2023

Index : Yes / No

Internet : Yes / No

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G.CHANDRASEKHARAN,J.

Sma

To

1. The Judicial Magistrate II,
Kancheepuram.
2. The Judicial Magistrate,
Thiruvottriyur.
3. The Public Prosecutor,
High Court of Madras.

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