



Crl.O.P.No.3218 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2023

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THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.3218 of 2023
and
Crl.M.P.Nos.1947 & 1948 of 2023

Veludoss

... Petitioner

Vs.

Selvakumar

... Respondent

PRAYER : Criminal Original Petition filed under Section 407 of Cr.P.C.,
pleaded to withdraw S.T.C.No.965 of 2022, pending on the file of the learned
Judicial Magistrate, Gingee, Villupuram District and to transfer the same to the
file of the learned Judicial Magistrate, Sankarapuram, Kallakurichi District.

For Petitioner : Mr.C.Prabakaran



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ORDER

This Criminal Original Petition has been filed seeking to transfer case in S.T.C.No.965 of 2022, pending the file of the learned Judicial Magistrate, Gingee, Villupuram District to the file of the learned Judicial Magistrate, Sankarapuram, Kallakurichi District.

2. Learned counsel for the petitioner submitted that the petitioner is facing trial in two cases instituted under Section 138 of Negotiable Instruments Act filed by two different persons, one in S.T.C.No.197 of 2022 on the file of the Judicial Magistrate, Sankarapuram, Kallakurichi District and other in S.T.C.No.965 of 2022, on the file of the learned Judicial Magistrate, Gingee, Villupuram District and both the cases are pending. On 30.11.2022, when the petitioner attended hearing in S.T.C.No.965 of 2022, before the learned Judicial Magistrate, Gingee, he was attacked in the Court premises at the instigation of the complainant namely Selvakumar. In this regard, he gave a complaint to the Gingee Police Station and he was issued a C.S.R.No.1437 of 2022 on 02.12.2022 and thereafter, no action was taken on the basis of the said complaint. Now he apprehends to attend hearing at learned Judicial Magistrate Court, Gingee, for



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trial in S.T.C.No.965 of 2022, for the reason that he may again be physically assaulted by the said Selvakumar. Therefore, he filed this present petition to withdraw the case in S.T.C.No.965 of 2022 from the file of the learned Judicial Magistrate, Gingee, Villupuram District and to transfer the same to the file of the learned Judicial Magistrate, Sankarapuram, Kallakurichi District.

3. On the submissions made by the learned counsel for the petitioner, this Court finds that the complainants in both the cases are totally different persons. On the allegation made against the complainant in S.T.C.No.965 of 2022 namely, Selvakumar, that he is trying to attack the petitioner with his henchmen and thereby, the petitioner is afraid of going to Judicial Magistrate Court, Gingee, the case cannot be transferred for the reason that the complainant in S.T.C.No.197 of 2022 is totally a different person named Natarajan. Petitioner had already given a complaint against the said Selvakumar and his men and the petition enquiry is pending in C.S.R.No.1437 of 2022 on the file of the Gingee Police Station.

4. Therefore, this Court is of the view that the prayer sought for transfer of



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the case in S.T.C.No.965 of 2022 from the file of the learned Judicial Magistrate, Gingee to the file of the learned Judicial Magistrate, Sankarapuram, cannot be entertained.

5. Accordingly, the Criminal Original Petition stands dismissed. However, direction is issued to the Sub-Inspector of Police, Gingee Police Station, who is enquiring the petition enquiry in C.S.R.No.1437 of 2022, to expedite the enquiry and take appropriate action as early as possible, preferably, within a period of two months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.

13.02.2023

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Index: Yes/No

Speaking/Non speaking order

Neutral Citation Case: Yes/No

G.CHANDRASEKHARAN, J.

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