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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.16032 of 2023
and Crl.M.P Nos.10046 and 10049 of 2023

Mrs.Jeanne D Arc, F/60
W/o Sajimon Xavier

Petitioner/Respondent

vs.

R.J.Rajkumar
S/o.Mr.Jayaraman

Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to withdraw the STC.No.251/2022, on the file of the Hon'ble Judicial Magistrate Fast Track Court at Magistrate Court level, Thanjavur and to transfer the same to the file of the Hon'ble Magistrate Court at Puducherry.

For Petitioner : Mr.S.Senthil Kumar

ORDER

This Criminal Original Petition has been filed seeking to transfer the case in STC.No.251 of 2022, pending on the file of the Judicial Fast Track Court at Magisterial Level, Thanjavur to any other Court at Puducherry.

2.Heard Mr.D.Senthil Kumar, learned counsel for the petitioner.



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3.The petitioner is facing trial on a private compliant filed by the respondent for offence u/s 138 of the Negotiable Instruments Act, 1881. The main ground that has been projected by the petitioner is that he is suffering from some ailment and he is not in a position to travel every time for the hearing at Thanjavur, which is 118 kms from his residence. Therefore, the petitioner wants the case to be transferred.

4.In the considered view of this Court, it is not necessary to transfer the case for the reasons assigned by the petitioner. It will suffice, if the petitioner is permitted to be represented through a counsel to defend the case in STC.No.251 of 2022. The counsel representing the petitioner shall cross examine the witnesses on the same day they are examining in chief. The petitioner shall be present before the Court below at the time of questioning u/s 313 of Cr.PC., and at the time of passing final judgment. On all the other occasions, the petitioner shall be represented through a counsel.

5.This criminal original petition is disposed of in the above terms. Consequently, connected Miscellaneous Petitions are closed.

19.07.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
KP



To

1. Judicial Magistrate Fast Track Court
at Magistrate Court level, Thanjavur

2. Magistrate Court at Puducherry.



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N. ANAND VENKATESH,. J.
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