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Crl.O.P.No.16638 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

**Crl.O.P.No.16638 of 2023
and Crl.M.P.No.10624 of 2023**

B.K.Parthiban

.. Petitioner

Versus

George Bartholomew

.. Respondent

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to withdraw the case in S.T.C.No.41 of 2023 on the file of the learned Judicial Magistrate, Fast Track Court, Coonoor and transfer the same to the learned Judicial Magistrate, Sathyamangalam or Gobichettipalayam at Erode District.

For Petitioner : Mr.N.Manoharan

ORDER

This petition has been filed seeking for the transfer of the case pending in S.T.C.No.41 of 2023 on the file of the learned Judicial Magistrate, Fast Track Court, Coonoor to the file of the learned Judicial Magistrate, Sathyamangalam or Gobichettipalayam at Erode District.



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2. Heard Mr.N.Manoharan, learned Counsel for the petitioner and carefully perused the materials available on record.

3. The main ground on which the petitioner has sought for the transfer is that he is facing health issues and he is under continuous medical treatment. He has also been advised by the Doctors not to travel for long distance and particularly to hill stations. It is also further alleged in the affidavit filed in support of the petition that the defendants in the suit in O.S.No.35 of 2018 after having lost in the suit and when the appeal is pending before this Court, has set up the respondent to fill up the stale cheques and file a complaint under Section 138 of the Negotiable Instruments Act, 1881.

4. Taking into consideration the facts and circumstances of the case, it is not necessary to transfer the case from the file of the learned Judicial Magistrate, Fast Track Court, Coonoor. It will suffice if the personal appearance of the petitioner is dispensed with and the petitioner is permitted to appear through Counsel. The learned Counsel appearing on behalf of the



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petitioner will cross-examine the witnesses on the same day they are examined in chief. The petitioner shall personally appear before the Court below at the time of questioning under Section 313 of Cr.P.C., and at the time of passing final judgment. This direction will sufficiently take care of the grievance expressed by the petitioner.

5. This Criminal Original Petition is disposed off with the above directions. Consequently, connected miscellaneous petition is closed.

26.07.2023

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To

The Judicial Magistrate,
Fast Track Court, Coonoor.



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N.ANAND VENKATESH, J.
grs

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