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Crl.O.P.No.23731 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.23731 of 2022

and

Crl.M.P.No.15120 of 2022

S.Gomathi ... Petitioner

Vs.

Arulmozhi ... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to withdraw S.T.C.No.27 of 2021 on the file of the Judicial Magistrate cum Fast Track Court, Dharmapuri to XVI Small Causes Court, Chennai.

For Petitioner : Mr.D.Balachandran

For Respondent : Mr.R.Muthukumar

ORDER

This Criminal Original Petition is filed to transfer S.T.C.No.27 of 2021, on the file of the Judicial Magistrate cum Fast Track Court, Dharmapuri, to XVI Small Causes Court, Chennai.

2.The learned counsel for the petitioner submitted that the petitioner has



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no personal acquaintance with the complainants in S.T.C.No.27 of 2021, on the file of the Judicial Magistrate cum Fast Track Court, Dharmapuri and S.T.C.No.359 of 2022 filed on the file of the XVI Small Causes Court, Chennai. Petitioner has not given any cheque to the complainants, namely, Arulmozhi and G.Rajendran, complainants in S.T.C.No.27 of 2021 and S.T.C.No.359 of 2022 respectively. She had given her signed blank cheques to one Ramesh and his wife Jamuna on 29.05.2020 as a guarantee. Using those cheques, Ramesh filed these cases through the complainants. Petitioner finds it difficult to shuttle between Dharmapuri and Chennai for facing trial. Therefore this petition.

3.The learned counsel for the respondent opposed this petition on the ground that the submissions made by learned counsel for the petitioner are not true. Respondent has no connection with the complainant in S.T.C.No.359 of 2022, pending on the file of the XVI Small Causes Court, Chennai. There is no connection between the transactions concerned in both cases and both transactions are independent transactions. There is no need to transfer the case in S.T.C.No.27 of 2021, pending on the file of the Judicial Magistrate cum Fast Track Court, Dharmapuri to the file of the XVI Small Causes Court,



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4.Considered the rival submissions and perused the records.

5.It is seen from the reply dated 24.06.2020 addressed by the petitioner to the Manager Karur Vysya Bank Ltd, in response to a message to her mobile phone on 23.06.2020, that she denied knowing Arulmozhi. It is her case that she gave six blank cheques bearing Nos.000101, 000102, 000103, 000104, 000105 & 000106 to M.Ramesh and his wife Jamuna on 29.05.2020 for guarantee purpose. It is also seen from the complaint allegations made in S.T.C.No.27 of 2021 and S.T.C.No.359 of 2022 that the complainants in both cases uniformly stated that they were introduced to the petitioner by Ramesh. These allegations in a way support the petitioner's case.

6.Without going into the merits of the case, considering the defence taken by the learned counsel for the petitioner and also the difficulty expressed by her in traveling from Dharmapuri to Chennai for facing trial in S.T.C.No.27 of 2021 and that she is a woman, this Court allows this petition and orders transfer of S.T.C.No.27 of 2021, on the file of the Judicial Magistrate cum Fast



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Track Court, Dharmapuri to the XVI Small Causes Court, Chennai, for trial.

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7. Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

15.03.2023

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Internet: Yes

Index: Yes/No

Speaking/Non speaking order

To:

1. The Judicial Magistrate cum Fast Track Court,
Dharmapuri.
2. The XVI Small Causes Court,
Chennai.
3. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN, J.
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