



Crl.OP.No.25140 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.25140 of 2023

and

Crl.MP.17431 of 2023

Prameshwaran Krishnamoorthy

... Petitioner

Vs.

M/s. Sai Enterprises
Rep by its Proprietor
Mr.Soorravarnam Divkar

... Respondent

Prayer: Criminal Original Petition is filed under Section 407 of Criminal Procedure Code, pleaded to withdraw and transfer the CC.No.4395 of 2023 in the Court of IX Metropolitan Magistrate, Fast Track Court at Magistrate Level-I at Allikulam, Egmore, Chennai to the Judicial Magistrate (Fast Track Court) at Alandur, Chengalpattu and to be tried along with in C.C.No.93 of 2017.

For Petitioner : Mr.K.Gajendiran



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ORDER

WEB COPY The petitioner herein seeks transfer of a private complaint in C.C.No.93 of 2017 on the file of the learned Judicial Magistrate, Alandur to FTC Magistrate Level-I, Egmore, wherein another complaint by the same complainant is pending in C.C.No.4395 of 2023.

2. The learned counsel for the petitioner submitted that both the cases initiated under Section 138 of N.I. Act. The complainant and the accused are one and the same. This case which is now been tried by the FTC Magistrate Level-I, Egmore was earlier filed at Alandur Court and numbered as C.C.No.94 of 2017 had transferred and renumbered as C.C.No.4395 of 2023. Therefore, prayed that both the cases may be tried at Egmore and the case which is pending on the file of Judicial Magistrate, Alandur may be transferred to Egmore Court.

3. This Court is aware of the fact that the Court which has jurisdiction over the case alone take cognizance as per the provisions of N.I Act and transfer of cases permissible under Section 407 of Cr.P.C. If there is necessity to transfer the case from one Court to another. This is the case of the year 2017 and pending for more than six years just



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because parties are one and the same need not be transferred and unless there is exceptional reasons court which has territorial jurisdiction under the law and tried the case and hence, the requests made by the petitioner is declined. Hence, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petition is closed.

Vv

02.11.2023

To

1. The IX Metropolitan Magistrate,
Fast Track Court at Magistrate Level-I,
Allikulam, Egmore, Chennai
2. The Public Prosecutor,
High Court of Madras,
Chennai.



WEB COPY



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Dr.G.JAYACHANDRAN,J.

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