



CrI.O.P(MD).No.5524 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 21.09.2023

CORAM:

THE HONOURABLE MR. JUSTICE P. DHANABAL

CrI.O.P(MD).No.5524 of 2021

and

CrI.M.P(MD) No.3162 of 2021

K.P.Padmanaban

...Petitioner

Vs

K.Sundararajan

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying this Court to withdraw and transfer the STC No.129 of 2019 pending on the file of the learned Munsif cum Judicial Magistrate, Thirupuvanam, Sivagangai District to be tried along with C.C. No.404 of 2016 (Thambidurai, Complainant) and C.C. No.2 of 2017(Suresh Kumar, Complainant) pending on the file of the learned Judicial Magistrate No.II, Dindigul, Dindigul District by the above said respondent/complainant.

For Petitioner : Mr.S.Sarvagan Prabhu

For Respondent : Mr.S.Raja

ORDER

This Criminal Original Petition has been filed to withdraw and transfer the STC No.129 of 2019 pending on the file of the learned Munsif cum Judicial Magistrate, Thirupuvanam, Sivagangai District to be tried along with C.C. No.404 of 2016 (Thambidurai, Complainant) and



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C.C. No.2 of 2017(Suresh Kumar, Complainant) pending on the file of the learned Judicial Magistrate No.II, Dindigul, Dindigul District by the above said respondent/complainant.

2. According to the petitioner the respondent herein filed cases in STC No.217 of 2017 before the learned Judicial Magistrate, Manamadurai and thereafter the same was transferred to the District Munsif and Judicial Magistrate Court, Thirupuvanam and re-numbered as STC No.129 of 2019. The above said complaint was filed with malafide intention. Infact the petitioner joined as Principal in the SBM Engineering College run by one Jeyaraj. Thereafter the petitioner was requested by the Trustee in the SBM Educational Trust, initially he denied and thereafter he joined as Trustee. As per the request of the said Jeyaraj he was allotted separate chamber in the college for administrative purpose. The petitioner is having savings bank account at Lakshmivilas Bank, Dindigul from the year 2009 and he was in possession of 2012 cheque book bearing Nos.000076 to 0001000. In the mean time there was financial crisis in the year 2012 to run the college. Therefore the institution was forced to obtain loan from the bank, whereas the said Jeyaraj misused the funds and thereby dispute arose between them. Therefore the petitioner resigned from trusteeship and not paid salary. While so without the knowledge of the petitioner the said Jeyaraj entered into the chamber and taken away documents including



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cheque book. Thereafter the said Jeyaraj filed this false complaint with the above said cheques through his relatives. This complaint is also filed through one of his relatives. Already three cases are pending before the learned Judicial Magistrate No.II, Dindigul and therefore this case has to be transferred from the file of the learned District Munsif cum Judicial Magistrate, Thirupuvam to the file of the learned Judicial Magistrate No.II, Dindigul.

3. No counter was filed by the respondent.

4. The learned counsel appearing for the petitioner would contend that there is a dispute between the petitioner and one Jeyaraj. The petitioner was working in SBM College, Dindigul. The said Jeyaraj was one of the Trustee of the educational institution. Due to some misunderstanding between the Jeyaraj and this petitioner he resigned the job as well as trusteeship. Thereafter when the cheque leaves were kept in the chamber of this petitioner the said Jeyaraj entered into the chamber and taken away some documents including cheque leaves. Thereafter by misusing the above said cheques so many false complaints have been given through his relatives. Already three cases are pending before the learned Judicial Magistrate No.II, Dindigul in C.C. No.406 of 2016, 2 of 2017 and 168 of 2020 and those cases are filed by the relative of the said Jeyaraj, thereby inorder to rebut the presumption and inorder



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to conduct fair trial transfer of the above said case from the file of the learned District Munsif Cum Judicial Magistrate, Thirupuvanam to the learned Judicial Magistrate No.II, Dindigul is essential.

5. The learned counsel appearing for the respondent would contend that this petition is filed only to delay the proceedings and already three cases are pending before the learned Judicial Magistrate No.II, Dindigul and the averments made in this petition are all false and thereby the petition is liable to be dismissed.

6. Heard both sides and perused the materials available on record.

7. It is an admitted that three cases are pending before the learned Judicial Magistrate No.II, Dindigul as against this petitioner. Among those three cases already one case was transferred from the file of the learned Judicial Magistrate No.II, Fast Track Court No.II, Nagapattinam to the learned Judicial Magistrate No.II, Dindigul vide order of this Court dated 29.03.2019 in CrI.O.P(MD) No.4832 of 2019. In this case also the same grounds raised by the petitioner. Therefore inorder to ensure fair trial and considering the facts and circumstances of the case and already three more cases are pending against the petitioner before the learned Judicial Magistrate No.II, Dindigul this Court is inclined to allow this petition.



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8. Accordingly this Criminal Original Petition is allowed and the case in STC No.129 of 2019 pending on the file of the learned District Munsif cum Judicial Magistrate, Thirupuvanam, Sivagangai District is ordered to be transferred to the file of the learned Judicial Magistrate No.II, Dindigul. The learned District Munsif cum Judicial Magistrate, Thirupuvanam, Sivagangai District is directed to transfer the case bundles in STC No.129 of 2019 within a period of one week from the date of receipt of a copy of this order. After receipt of case records the learned Judicial Magistrate No.II, Dindigul is directed to dispose all the cases as early as possible preferably within a period of six months from the date of receipt of case bundles from the learned District Munsif cum Judicial Magistrate, Thirupuvanam, Sivagangai District. Consequently connected miscellaneous petition is closed.

21.09.2023

NCC : Yes/No
Internet : Yes/No
Index : Yes/No
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To

1. The District Munsif cum Judicial Magistrate, Thirupuvanam,
Sivagangai District
2. The Judicial Magistrate No.II, Dindigul
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P. DHANABAL,J.

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