



Crl.O.P.(MD) No.12465 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.07.2023

CORAM:

THE HONOURABLE DR.JUSTICE D.NAGARJUN

Crl.O.P.(MD) No.12465 of 2023
and
Crl.M.P.(MD) Nos.9758 and 9759 of 2023

A.Mujeebur

... Petitioner

Vs.

N.Radhakrishnan

..Respondent

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to transfer the case from the learned Judicial Magistrate, Nilakkottai in CC.No.238 of 2018 to any other nearby Districts.

For Petitioner : Mr.M.Sheik Abdullah

ORDER

This petition is filed seeking transfer of CC.No.238 of 2018 from the file of the learned Judicial Magistrate, Nilakkottai to any nearby Districts.



Crl.O.P.(MD) No.12465 of 2023

WEB COPY

2.The respondent/defacto complainant has filed a complaint for the offence punishable under Section 138 of Negotiable Instruments Act, 1881. It is submitted that the distance between the place, where the petitioner has been residing and the Court is about to 300 kms round a trip and it is very difficult for him to attend the Court for every hearing, as he has been working as Physics Teacher in Central Higher Secondary School, Tuticorin District. Therefore, he sought for transfer of the case in C.C.No.238 of 2018 to any other Court near to the place, where he has been working.

3.The complaint is filed in the year 2018. All these years, whenever his presence is required, the petitioner has been appearing in the Court. The matter is now ripe for enquiry. Therefore, at this stage, when the petitioner has not moved any application seeking transfer from 2018, the request of the petitioner cannot be considered. If the case is transferred to the convenience of the petitioner, since it is a private complaint filed under Section 138 of Negotiable Instruments Act, 1881, it may likely cause inconvenience to the respondent, who filed the case.



Crl.O.P.(MD) No.12465 of 2023

WEB COPY

4.Considering the circumstances, the request of the petitioner seeking transfer of the case in CC.No.238 of 2018 from the file of the learned Judicial Magistrate, Nilakkottai to the nearby District is declined. However the trial Court is directed to consider the request of the petitioner to dispense with the presence of the petitioner while directing him to attend the Court whenever his presence is required for smooth progression of the enquiry.

5.With the above direction and observation, this Petition is disposed of. Consequently, connected Miscellaneous Petitions are closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

11.07.2023

mm

To

The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

3/4



WEB COPY



Crl.O.P.(MD) No.12465 of 2023

DR.D.NAGARJUN. J.

mm

Crl.O.P.(MD)No.12465 of 2023

11.07.2023