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Crl.O.P.No.4442 of 2024

In the High Court of Judicature at Madras

Dated : 26.3.2024

Coram :

The Honourable Mr.Justice N.ANAND VENKATESH

Criminal Original Petition No.4442 of 2024
& Crl.M.P.No.3260 of 2024

S.Saroja

...Petitioner

Vs

M.Dharmaraj

...Respondent

PETITION under Section 482 of the Criminal Procedure Code praying to withdraw and transfer S.T.C.No.772 of 2018 from the Judicial Magistrate at Tambaram to the Judicial Magistrate, Kumbakonam to try the same and fix a time frame for the disposal.

For Petitioner : Mr.S.Santosh
For Respondent : Served and no appearance

ORDER

This is a petition filed by the petitioner - complainant seeking transfer of the proceedings in S.T.C.No.772 of 2018 pending on the file of the learned Judicial Magistrate No.1, Tambaram to the file of the Judicial Magistrate Court, Kumbakonam.



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2. Heard the learned counsel for the petitioner. Though the respondent has been served and his name printed in the cause list, there is no representation on behalf him either in person or through counsel.

3. The petitioner filed a private complaint against the respondent on the ground that the respondent borrowed a sum of Rs.3.6 lakhs in parts from the petitioner and her husband, that towards the said liability, the respondent issued a cheque for a sum of Rs.3.5 lakhs drawn at the Syndicate Bank, Kumbakonam Branch, that when this cheque was sent for collection, it was dishonoured and that after service of the statutory notice, the complaint came to be filed before the Judicial Magistrate No.1, Tambaram against the respondent for an offence under Section 138 of the Negotiable Instruments Act.

4. This criminal original petition has been filed seeking transfer on the ground that the petitioner has become old and that she has now shifted her residence to Kumbakonam. Further, the respondent is already a resident of Kumbakonam. That apart, even the cheque that was issued by the respondent was drawn at the Syndicate Bank,



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Kumbakonam Branch. It is also brought to the notice of this Court that the trial is yet to commence in this case.

5. Considering the facts and circumstances of this case and also the fact that the Judicial Magistrate, Kumbakonam will have jurisdiction to deal with this case and it will not cause any inconvenience to the respondent since he is a resident of Kumbakonam, this Court is inclined to withdraw S.T.C.No.772 of 2018 from the file of the Judicial Magistrate No.1, Tambaram and transfer the case to the file of the Judicial Magistrate Court, Kumbakonam.

6. In the result, the above criminal original petition is allowed and the learned Judicial Magistrate No.1, Tambaram is directed to immediately transmit the entire case records in S.T.C.No.772 of 2018 to the file of the Judicial Magistrate Court, Kumbakonam. On receipt of the entire records, the learned Judicial Magistrate, Kumbakonam shall assign a new number and dispose of the case within a period of six months thereafter. Consequently, the connected Crl.M.P. is closed.

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N.ANAND VENKATESH,J

RS

To

1.The Judicial Magistrate No.1,
Tambaram.

2.The Judicial Magistrate,
Kumbakonam.

3.The Public Prosecutor,
High Court, Madras.

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