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Crl.O.P.No.7563 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.7563 of 2024
& Crl.M.P.No.5495 of 2024

M.Radhakrishnan.

... Petitioner/Accused

/versus/

V.Jayakumar.

... Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to withdraw and transfer the case in S.T.C.No.103 of 2022 on the file of the Judicial Magistrate Fast Track Court Hosur, Krishnagiri District to any other competent Court, Dharmapuri District.

For Petitioner : Mr.V.Sundar Raman

For Respondent : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition is filed to withdraw and transfer the case in S.T.C.No.103 of 2022 on the file of the Judicial Magistrate Fast Track Court Hosur, Krishnagiri District to any other competent Court, Dharmapuri District.



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2. The Learned Counsel for the petitioner states that the petitioner is a practising Advocate in Hosur and he is facing prosecution for the offence under Section 138 of N.I Act on the complaint given by his cousin. His application to send the disputed cheque for expert opinion been dismissed by the trial Court and when he filed a memo to defer the proceedings till the disposal of the appeal before the High Court, same was not entertained by the trial Court. Alleging that the petitioner has lost confidence in the Judicial Magistrate, the present petition is filed to transfer the case to any other competent Court.

3. When this Court enquired the petitioner's counsel about what happen to the appeal preferred by the petitioner challenging the dismissal of petition to refer the disputed document to an expert to give his opinion under Section 45 of Indian Evidence Act, the Learned Counsel fairly informed that the said petition was dismissed.

4. This Court is of the view that mere dismissal of an application needs no inference that the Judicial Officer is prejudice. For such purpose, if the case is transfer from one Court to another, then there will be an countless



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applications which will lead to disastrous consequences in administration of criminal justice. Hence, this Criminal Original Petition is dismissed.

Consequently, connected Miscellaneous Petition is closed.

17.04.2024

Index : Yes/No.

Neutral Citation : Yes/No.

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Copy to:

1. The Judicial Magistrate Fast Track Court Hosur, Krishnagiri District.
2. The Public Prosecutor, High Court of Madras, Chennai.



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DR.G.JAYACHANDRAN,J.

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