



Crl.O.P.14768 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2024

CORAM

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Crl.O.P.No.14768 of 2024
and Crl.M.P.No.9031 of 2024

Subramani

.... Petitioner

Versus

1. C. Thangavelu

2. C. Palanisamy

3. R. Ponnusamy

.... Respondents

Prayer: The Criminal Original Petition is filed under Section 482 of Cr.P.C. against the order dated 25.04.2024 made in Tr.O.P.No.4631 of 2023 on the file of the Chief Judicial Magistrate, Erode, dismissing the petition to transfer the case in S.T.C.No.496 of 2022 pending before the Fast Tract Court No.2, Erode, to the Fast Track Court No.1, Erode, and also try to the case simultaneously with S.T.C.No.62 of 2022, S.T.C.No.149 of 2022, S.T.C.No.163 of 2022 and S.T.C.No.178 of 2022.



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For Petitioner : Mr.C.S.Saravanan

ORDER

The present Criminal Original Petition has been filed to transfer S.T.C.No.149 of 2022 pending on the file of the Fast Track Court No.1, Erode.

2. The petitioner herein is the accused in four cases initiated under Section 138 of Negotiable Instruments Act. The complainants are different. Three cases in S.T.C.No.149 of 2022, S.T.C.No.178 of 2022 and S.T.C.No.62 of 2022 are pending on the file of the Fast Track Court No.1, Magisterial Level, Erode. One case in S.T.C.No.496 of 2022 is pending on the file of the Fast Track Court No.2, Magisterial Level, Erode. The petitioner as the accused, has filed Tr.O.P.No.4631 of 2023 for transferring the cases to one Court either the Fast Track Court No.1 or the Fast Track Court No.2, so that it will be convenient for the parties to adduce evidence and to have uniformity since the cause of action and purpose for which, the cheques issued are also interconnected with each other.



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3. The said transfer petition was opposed by the respective complainants and the trial Court after considering the facts of the case, has held that all the five cases are different cases and the complainants are different. About 16 cheques alleged to have been stolen / missed from the custody of the accused. However, there are nine criminal cases pending against this petitioner. The genesis of the case is not one and the same. Different defence contradictory to each other has been taken in each case and therefore, for the sake of reasons stated in the petition, the case pending in one Court need not be transferred to the other Court.

4. The learned counsel appearing for the petitioner submitted that all the cases, which are the subject matter of the complaint, form part of the cheques issued arising from same transaction. The possession of the cheques, which were missing has to be explained by the respective complainants since the same ought to have been received by the complainants from the same source, Hence, the trial of these cases before one Court is essential.



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5. This Court, on perusing the impugned order, finds that the complaint is pending in the respective Court for more than two years and they are at different stages. By transferring the case to another Court, though they are in the same premises, the administrative delay to effect transfer is more compared to convenience of the accused, which is expressed in the transfer petition. Except the convenience of the petitioner, who is the accused in this case, there is no other reason to transfer the case from the Fast Track Court No.2, Erode, to the Fast Track Court No.1, Erode. Therefore, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed.

25.06.2024

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To

The Chief Judicial Magistrate, Erode.



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DR.G. JAYACHANDRAN, J.

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