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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Tuesday, the Thirtieth day of April Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD). Nos.4549 and 4551 of 2024
in
CRL OP(MD). No.7878 of 2023

V.Manimegalai

... Petitioner/Petitioner/2nd Respondent
in CRL MP(MD). No.4549 of 2024

Petitioner/2nd Respondent
in CRL MP(MD). No.4551 of 2024

..Vs..

1 The Inspector of Police
District Crime Branch,
Theni District.
(Crime No.5/2018)

.. 1st Respondent/1st Respondent/
1st Respondent
in CRL MP(MD). No.4549 of 2024

1st Respondent/1st Respondent
in CRL MP(MD). No.4551 of 2024

2 S.Gunasekaran

...2nd Respondent/ 2nd Respondent/Petitioner
in CRL MP(MD). No.4549 of 2024

2nd Respondent/Petitioner
in CRL MP(MD). No.4551 of 2024



Prayer in CRL MP(MD). No.4549 of 2024 :

Criminal Miscellaneous Petition filed Under Section 482 of Cr.P.C to recall the order dated 12/12/2023 passed in Crl.MP(MD)No.17507 of 2023 in Crl.OP(MD) No.7878/2023 by ordering retransfer of the cases in STC No.462 and 467 of 2018 and STC No.913/2019 from the Bodinayakanur to the file of Special court, Exclusively trial of cases under 138 of Negotiable Instrument Act at Theni.

Prayer in Crl.MP(MD)No.17507 of 2023 :

Criminal Miscellaneous Petition filed Under Section 482 of Cr.P.C to modify the order dated 27.04.2023 in Crl.O.P.(MD).No.7878 of 2023 on the file of this Honble Court and issue a direction to retransfer the case in C.C.No.240 of 2023 on the file of the Learned Judicial Magistrate, Bodinayakanur (earlier C.C.No.126/2019 on the file of the Learned Judicial Magistrate,Theni) to the Learned Judicial Magistrate,Theni.

Prayer in CRL MP(MD). No.4551 of 2024:

Criminal Miscellaneous Petition filed Under Section 482 of Cr.P.C to recall the order dated 27.04.2023 passed in CRL OP(MD).No. 7878 of 2023 by retransferring C.C.No.126 of 2019 (Now 240/2023) on the file of the learned Judicial Magistrate, Theni.

Prayer in CRL OP(MD). 7878/ 2023 :

Criminal original Petition is filed under section 482 of Cr.P.C,to transfer the case in C.C.No.126/2019 from the learned Judicial Magistrate Theni to the learned Judicial Magistrate Bodinayakkanur.

ORDER:- These Criminal Miscellaneous Petitions are coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.R.Anand for Mr.M.Saravanan, Advocate for the Petitioner and of Mr.R.Suresh Kumar, Govt Advocate(Criminal Side) for the respondent No.1, Mr.B.Jeyakumar Advocate for respondent No.2, (in both the cases), this Court made the following order:



The matter was disposed of on 27.04.2023. Thereafter, a petition was filed to modify the order and the same was ordered by this Court by order dated 12.12.2023.

Now it has been brought to the notice of this Court that a Special Court has been constituted at Theni to try the cases filed for the offences under Section 138 of NI Act. So automatically, the Judicial Magistrate, Bodinayakkanur, has to transfer all the matters pending on his file to the Special Court at Theni. So the order dated 12.12.2023, has created some sort of confusion in the trial Court. On that account this petition for recall the order, is filed.

2. Learned counsel for the respondent also present and submitted that he has no objection to club all the matters together and to be disposed of by the Special Court, Theni.

3. Now it has been brought to the notice of this Court that C.C.No.126 of 2019 pending on the file of the learned Judicial Magistrate, Bodinayakkanur, is now renumbered as C.C.No.240 of 2020, learned Judicial Magistrate, Bodinayakkanur. So the order of this Court is recalled. C.C.No.240 of 2020, pending on the file of the learned Judicial Magistrate, Bodinayakkanur as well as S.T.C.No.462 and 467 of 2018 and S.T.C.No.913 of 2019 pending on the file of the learned Judicial Magistrate, Bodinayakkanur, are withdrawn from the file of the learned Judicial Magistrate,

Bodinayakkanur and all the matters are transferred to the Special Court, Theni for



expedite the trial. The order of this Court dated 12.12.2023, is recalled and the above said order is replaced by the present order. It is also further clarified that all the matters must be tried simultaneously and judgment must be pronounced. The said order is modified.

Sd/-

Assistant Registrar(CS III)

// True Copy //

/06/2024

Sub Assistant Registrar
(CS- I/ II / III / IV)

TO

- 1.The Judicial Magistrate, Theni.
 2. The Judicial Magistrate, Bodinayakanur.
 - 3.The Judge, Special Court, Exclusively trial of cases under 138 of Negotiable Instrument Act , Theni.
 4. The Inspector of Police
District Crime Branch, Theni District.
 5. The Additional Public prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +2 Ccs to Mr.M.Saravanan, Advocate, SRNos.23962 and 23961



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ORDER DATED : 30/04/2024

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ORDER

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CRL MP(MD). Nos.4549 and 4551 of 2024
in
CRL OP(MD). No.7878 of 2023

Giving direction and etc.
as stated within.

MGJ(05.06.2024) 5P 8C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023