



Crl.O.P.(MD)No.13175 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.02.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.13175 of 2022

and

Crl.MP(MD)No.8397 of 2022

Syed Raja Mohammed

... Petitioner/Accused

Vs.

Subbaiyan

... Respondent/Complaint

PRAYER:- Petition filed under Section 482 of Cr.P.C., to withdraw and transfer the case in C.C.No.729 of 2021 on the file of the learned Judicial Magistrate No.II Court, Dindigul and transfer the same for clubbing and joint trial along with S.T.C.No.93 of 2021 on the file of the learned Judicial Magistrate No.1 Court, Ramanathapuram and dispose the same and on merits within the time stipulated by this Court.

For Petitioner : Mr.N.Balasubramanian
for Mr.B.Arun
For Respondent : Mr.A.R.Kannappan

ORDER

This petition has been filed to withdraw and transfer the case in C.C.No. 729 of 2021 on the file of the learned Judicial Magistrate No.II Court, Dindigul



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and transfer the same for clubbing and joint trial along with S.T.C.No.93 of 2021 on the file of the learned Judicial Magistrate No.1 Court, Ramanathapuram, and dispose the same and on merits within the time stipulated by this Court.

2.The learned counsel appearing for the petitioner would submit that the petitioner's father borrowed a sum of Rs.5 lakhs from the respondent/defacto complainant herein, through the son-in-law of the complainant. However, the son-in-law of the complainant namely, Pommuraj, collected two cheques from the petitioner's father as security. He filed one case before the learned Judicial Magistrate No.1 Court, Ramanathapuram and another case before Judicial Magistrate No.II Court, Dindigul at the instigation of his father-in-law/complainant. For transfer of investigation, the present petition is filed.

3.The learned counsel appearing for the petitioner/accused and the learned counsel appearing for the respondent/complainant agreed to transfer C.C.No.729 of 2021 on the file of the learned Judicial Magistrate No.II Court, Dindigul to the learned Judicial Magistrate No.1 Court, Ramanathapuram where the S.T.C.No.93 of 2021 is pending.



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4. In view of the above consent, C.C.No.729 of 2021, is withdrawn and transferred from the file of the learned Judicial Magistrate No.II Court, Dindigul, to the learned Judicial Magistrate No.1 Court, Ramanathapuram. The learned Judicial Magistrate No.II Court, Dindigul, is directed to transmit the entire records in C.C.No.729 of 2021 to the file of the learned Judicial Magistrate No.1 Court, Ramanathapuram. The learned Judicial Magistrate No.1 Court, Ramanathapuram, is hereby directed to issue fresh summon to the respondent after the case is transferred and renumbered and also to tag C.C.No. 729 of 2021 along with S.T.C.No.93 of 2021, which is pending on his file, to conduct joint trial.

5.Further, the learned Judicial Magistrate No.1 Court, Ramanathapuram is directed to conclude the trial in S.T.C.No.93 of 2021 and in C.C.No.729 of 2021 within a period of 6 months from the date of receipt of a copy of this order.

6.With the above directions, this Criminal Original Petition is allowed. Consequently, the connected miscellaneous petition is closed.



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7.Taking into consideration the request as made by the learned counsel for the petitioner, the appearance of the petitioner before the trial court is dispensed with except for his appearance for the purpose of receiving the copy of the proceedings u/s 207 Cr.P.C., framing of charges, questioning under Section 313 Cr.P.C. and on the day on which judgment is to be pronounced. However, if for any particular reason, the presence of the petitioner is necessary, the trial court, at its wisdom, shall direct his appearance on those days.

23.02.2024

Index : Yes/No
Internet : Yes/No
NCC : Yes/No
dss

To

- 1.The Judicial Magistrate No.II Court,
Dindigul.
- 2.The Judicial Magistrate No.1 Court,
Ramanathapuram.



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M.DHANDAPANI, J.

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