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CrI.O.P.(MD)No.14612 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.(MD) No.14612 of 2022
and
CrI.M.P.(MD).No.9452 of 2022

P.Manickathai

... petitioner

Vs.

Murugesapandian

...Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to transfer the case in C.C.No.47 of 2016 pending before the learned Judicial Magistrate (Fast Track) Court, Kovilpatti, to the Judicial Magistrate Court, Sankarankovil to any other competent Court.

For petitioner

: Mr.M.S.Parthiban

ORDER

This Criminal Original Petition has been filed seeking for a direction to the Judicial Magistrate (Fast Track) Court, Kovilpatti, to transfer the case in C.C.No.47 of 2016 for the alleged offence punishable under Section 138 of the NI ACT to the Judicial Magistrate Court, Sankarankovil or to any other competent Court.



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2. The case of the prosecution is that the petitioner herein has borrowed a sum of Rs.2,00,000/- from the respondent, for which, she executed a promissory note and thereafter, for repayment of the said amount, the petitioner issued a cheque to the respondent, but, the same was dishonoured as “insufficient funds”. Hence, the respondent has filed a private complaint under Section 138 of the NI Act before the learned Judicial Magistrate (FTC), Kovilpatti, against the petitioner herein.

3. The learned counsel appearing for the petitioner would submit that the petitioner has initially engaged one Advocate. He would further submit that in the petition filed by the petitioner under Section 45 of the Evidence Act, the said Advocate has added some statements, which were contradictory to the statements given by the petitioner. thereby, the petitioner / accused has changed the Advocate by obtaining the change of vakalat. However, the earlier Advocate had given trouble to the petitioner and also to the new Advocate appearing on behalf of the petitioner before the lower Court. Hence, he filed this present petition to transfer this case to any other competent Court.



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4. In view of the above, the reason given by the petitioner is not sufficient enough to transfer the case, hence, this Court is not inclined to transfer the case to any other competent Court.

5. At this juncture, the learned counsel appearing for the petitioner would submit that this Court may issue a direction to the trial Court to conclude the trial within a period of six months.

6. In view of the above, this Court directs the learned Judicial Magistrate (FTC), Kovilpatti, to complete the trial in C.C.No.47 of 2016 within a period of six months from the date of receipt of a copy of this order. However, if the petitioner has any apprehension, she is directed to file a complaint before the Judicial Officer.

7. Accordingly, the Criminal Original Petition stands disposed of. Consequently, the connected miscellaneous petition is closed.

29.02.2024

Index : Yes/No
Internet : Yes/No
TSG



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To

1.The Judicial Magistrate (Fast Track) Court, Kovilpatti,

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI. J.

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