



Crl.O.P.No. 5679 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No. 5679 of 2025
and Crl.M.P.No.3672 of 2025

1. M/s.Ramcharan Company Pvt. Ltd.,
Represented by its Director
Kaushik A.Palicha

2. Kaushik A.Palicha
3. Divyesh A.Palicha

.... Petitioners

Vs

Suneel H.Shah

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the impugned order dated 17.02.2025 passed by the Principal Sessions Judge, Chennai, in Transfer Crl.M.P.No.31324 of 2024 in STC No.563 of 2022.

For Petitioner : Mr.Sanjay Pinto

ORDER

This Criminal Original Petition has been filed to set aside the impugned order dated 17.02.2025 passed by the Principal Sessions Judge, Chennai, in Transfer Crl.M.P.No.31324 of 2024 in STC No.563



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of 2022, thereby transferring the trial in STC No.563 of 2022 from the file of the XIII Court of Small Causes, Chennai, to the file of the XII Court of Small Causes, Chennai.

2. The petitioners are the accused in the complaint lodged by the respondent for the offence punishable under Section 138 of the Negotiable Instruments Act in STC No.563 of 2022 on the file of the XIII Court of Small Causes, Chennai. While pending trial, the respondent filed a petition for the transfer of the entire trial in STC No.563 of 2022 from the file of the XIII Court of Small Causes, Chennai, to any other Court on the grounds that the Trial Court did not record the evidence properly and recorded the answers from the witnesses without them even answering the questions. Further, the Trial Court ordered notice in the application filed for perjury under Section 340 of Cr.P.C. , though the petitioners were not entitled to any notice, since they were not present. The Trial Court failed to act in the neutral manner, but acted in a biased manner and encouraged the comments made against the counsel for the petitioner. Though the allegations were made against the Judicial Officer, the District and Sessions Judge found that the allegations were insufficient to conclude that the Judicial Officer was biased or impartial.



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3. Further, the allegations made against each other are sufficient to show that there is no conducive atmosphere prevails in the court to proceed further. Therefore, allowing the trial to continue in the same Court would not only cause inconvenience to the Judge but also to the counsels and litigants. Therefore, the Principal Sessions Judge allowed the transfer petition and the case in STC No.563 of 2022 was withdrawn from the file of the XIII Court of Small Causes, Chennai and transferred the same to the file of the XII Court of Small Causes, Chennai. The petitioners, being the accused, would not suffer any prejudice from transferring the entire trial from the XIII Court of Small Causes, Chennai, to the file of the XII Court of Small Causes, Chennai.

4. In view of the above, this Court finds no infirmity or illegality in the order dated 17.02.2025 passed by the Principal Sessions Judge, Chennai, in Transfer CrI.M.P.No.31324 of 2024 in STC No.563 of 2022. The XII Court of Small Causes Court, Chennai, is directed to proceed with the trial without being influenced by any observations made by the Principal Sessions Judge, Chennai.



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5. In the result, this Criminal Original Petition stands

dismissed. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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To

1. The Principal Sessions Judge,
Chennai.

2. The XII Court of Small Causes,
Chennai.

3. The XIII Court of Small Causes,
Chennai.



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G.K.ILANTHIRAIYAN, J.

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