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Crl.O.P.No. 8205 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2025

CORAM:

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

Crl.O.P.No.8205 of 2025 and
Crl.M.P.No.5352 of 2025

Sivakumar

... Petitioner

Vs.

Sakthivel

..Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to withdraw the S.T.C.No.142 of 2021 from the file of the learned Judicial Magistrate, Harur, Dharmapuri District and transfer the same to the learned Judicial Magistrate, Tiruppur.

For Petitioner : Mr.J.Pradeep

ORDER

This Criminal Original Petition has been filed seeking transfer of S.T.C. No. 142 of 2021 from the file of the learned Judicial Magistrate, Harur, Dharmapuri District to the file of the learned Judicial Magistrate, Tiruppur.

2. Heard the learned counsel appearing for the petitioner and



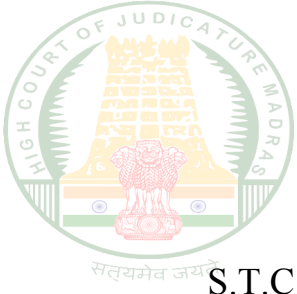
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perused the materials available on record.

3. The petitioner is the complainant and the respondent is the accused in S.T.C. No. 142 of 2021 pending on the file of the learned Judicial Magistrate, Harur, Dharmapuri District, for the offence under Section 138 of the Negotiable Instruments Act, 1881. The petitioner seeks transfer of the case on the ground that he has shifted his residence from Dharmapuri to Tiruppur. However, it is seen that the bank concerned and the respondent's residence are situated within the jurisdiction of the Trial Court at Harur, Dharmapuri District, and the respondent continues to reside there. The mere change in the petitioner's residential address is not sufficient ground to warrant transfer of the proceedings, particularly when the respondent and other relevant witnesses are within the jurisdiction of the present Trial Court. Therefore, allowing such a transfer solely on the basis of convenience of the complainant would result in prejudice to the respondent and delay in the conduct of the trial.

4. In view of the above, this Court is not inclined to transfer the



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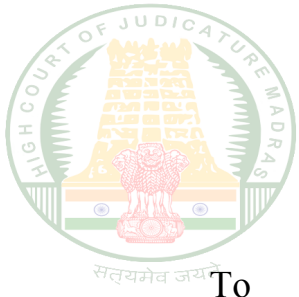
S.T.C. No. 142 of 2021 from the file of the learned Judicial Magistrate, Harur, Dharmapuri District to the learned Judicial Magistrate, Tiruppur. Accordingly, this Criminal Original Petition stands dismissed. The learned Judicial Magistrate, Harur, Dharmapuri District, is directed to complete the trial in S.T.C. No. 142 of 2021 within a period of six months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

24.04.2025

Neutral citation : Yes/No
Speaking/non-speaking order
shk

G.K.ILANTHIRAIYAN, J.

shk



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To
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1. The Judicial Magistrate, Harur, Dharmapuri District
2. The Judicial Magistrate, Tiruppur.

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