



*Crl.O.P.No.6100 of 2023*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2025

CORAM:

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

Crl.O.P.No.6100 of 2023  
and Crl.M.P.No.3822 of 2023

M.Senthil

... Petitioner

Vs.

S.Ramasamy

... Respondent

**Prayer:** Criminal Original petition filed under Section 407 of Code of Criminal Procedure, to withdraw and transfer the above said 138 Negotiable Instrument Act case in S.T.C.No.1171 of 2022 on the file of the learned Judicial Magistrate-I, Cuddalore, to any other Court nearest district.

For Petitioner : Mr.D.S.Ramesh

### **ORDER**

This petition has been filed to transfer the case in S.T.C.No.1171 of 2022 on the file of the learned Judicial Magistrate-I, Cuddalore to any other Court nearest district.



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2. The petitioner is an accused in the complaint lodged by the respondent for the offence punishable under Section 138 of the Negotiable Instruments Act in S.T.C.No.1171 of 2022 on the file of the learned Judicial Magistrate-I, Cuddalore.

3. The petitioner made allegations as against the judicial officer on the ground that learned Magistrate used to commend whenever the petitioner filed petition under Section 317 of Cr.P.C., to condone his absence. Further alleged that the learned Magistrate adjourned the other cases by months and adjourned his case shortly.

4. This Court by an order dated 17.03.2023, called for remarks from the trial Court in respect of the allegations levelled as against the trial Court Judge. On perusal of the detailed report submitted by the trial Court revealed that the petitioner prolong the trial for the past several hearings without appearing before the trial Court. Further the application filed by the petitioner under Section 317 of Cr.P.C., was duly allowed on payment of cost of Rs.500/- payable to the complainant. Therefore, in order to prolong the trial, the petitioner made so many allegations as against the judicial officer for seeking transfer. Further, the petitioner is



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being an accused, he has no say to choose the trial Court. Further on receipt of the report from the trial Court, the allegations levelled as against the Judicial Officer cannot be considered and this Court is not inclined to transfer the case. However, the trial Court viz., the learned Judicial Magistrate-I, Cuddalore, is directed to complete the trial in S.T.C.No.1171 of 2022, within a period of six months from the date of receipt of a copy of this Order.

5. Accordingly, the Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

03.02.2025

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

To

1. Judicial Magistrate-I, Cuddalore.



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**G.K.ILANTHIRAIYAN, J.**

rts

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