



Crl.O.P.No.23901 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.23901 of 2023
and Crl.M.P.Nos.16609 and 16611 of 2023

Pon Baskar

... Petitioner

Vs

Janab B.Asathulla

... Respondent

PRAYER: Criminal Original Petition is filed under Section 407 of Criminal Procedure Code, to withdraw and to transfer the private complaint filed by the respondent against the petitioner herein in S.T.C.No.148 of 2021 pending on the file of Learned Judicial Magistrate cum Additional District Munsif, Ambur, Thirupattur District to the file of learned Judicial Magistrate No.1, Ponneri, Thiruvallur District to try along with S.T.C.No.252 of 2022.

For Petitioner : Mr.T.R.Ravi

For Respondent : Notice served
No appearance

ORDER

This Criminal Original Petition has been filed to withdraw and to transfer the private complaint filed by the respondent against the petitioner herein in S.T.C.No.148 of 2021 pending on the file of Learned Judicial Magistrate cum Additional District Munsif, Ambur, Thirupattur District to the file of learned Judicial Magistrate No.1, Ponneri, Thiruvallur District to try



Crl.O.P.No.23901 of 2023

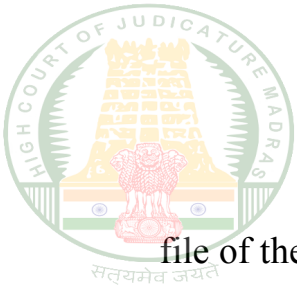
along with S.T.C.No.252 of 2022.

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2. Heard the learned counsel for the petitioner and perused the materials placed on record.

3. The petitioner is an accused in the complaint lodged by the respondent for the offence punishable under Section 138 of Negotiable Instruments Act in S.T.C.No.148 of 2021 pending on the file of Learned Judicial Magistrate cum Additional District Munsif, Ambur, Thirupattur District.

4. The learned counsel for the petitioner would submit that three cheques were obtained from the petitioner on coercion by the complainant in STC.No.252 of 2022 which is pending for trial on the file of the Judicial Magistrate I, Ponneri, Thiruvallur District, by the complainant in STC.No.148 of 2012, on the file of the Judicial Magistrate and Additional District Munsif, Ambur, Thirupathur District and by the complainant in STC.No.849 of 2021 on the file of the Judicial Magistrate, Ambasamudram, Thenkasi District. Therefore, in order to get fair trial, the present case may be transferred to the



Crl.O.P.No.23901 of 2023

file of the Judicial Magistrate I, Ponneri, Thiruvallur District.

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5. A perusal of records revealed that on receipt of the notice as contemplated under Section 138 of Negotiable Instruments Act, the petitioner did not even reply to the legal notice and failed to put forth his defence at the stage of reply notice. After a period of two years from the date of taking cognizance by the Trial Court in S.T.C.No.148 of 2021, the petitioner has come forward with this petition for transfer of entire trial, on the ground that under coercion, the cheques were received from him.

6. Therefore, it is nothing but to drag the proceedings and this Court finds no grounds to transfer the entire case in S.T.C.No.148 of 2021 from the file of Judicial Magistrate cum Additional District Munsif, Ambur, Thirupattur District to the file of learned Judicial Magistrate No.1, Ponneri, Thiruvallur District. The Trial Court is directed to complete the trial in S.T.C.No.148 of 2021, within a period of three months from the date of receipt of a copy of this order.

7. Accordingly, this Criminal Original Petition is dismissed.



CrI.O.P.No.23901 of 2023

Consequently, connected Miscellaneous petitions are closed.

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12.02.2025

Internet: Yes

Index: Yes/No

Speaking/Non speaking order

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CrI.O.P.No.23901 of 2023

To

1. The Judicial Magistrate cum Additional District Munsif,
Ambur, Thirupattur District.
2. The Public Prosecutor,
High Court, Madras.



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Crl.O.P.No.23901 of 2023

G.K.ILANTHIRAIYAN. J.

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Crl.O.P.No.23901 of 2023

12.02.2025