



Crl.OP.No.30863 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.11.2025

CORAM:

THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.OP.No.30863 of 2025

and

Crl.MP.No.21156 of 2025

K.Muthu,
Proprietor for Muthu Catering Service,
No.79, South Car Street, Thirukkurungudi Post,
Tirunelveli Districti – 627 115.

...Petitioner

Vs.

G.Baskar

...Respondent

Criminal Original Petition filed under Section 528 of BNSS, 2023 to transfer the case in Crl.MP.No.70 of 2025 in STC.No. of 2025 on the file of the learned Judicial Magistrate, Fast Track Court, Poonthamallee to learned Judicial Magistrate, Tirunelveli or any other Judicial Magistrate, Tirunelveli District.

For Petitioner : Mr.M.Ramu



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ORDER

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This criminal original petition has been filed seeking to transfer the case in Crl.MP.No.70 of 2025 in STC.No. of 2025, pending on the file of the learned Judicial Magistrate, Fast Track Court, Poonamallee, to learned Judicial Magistrate, Tirunelveli or any other Judicial Magistrate, in Tirunelveli District.

2. The brief facts are as follows:

The respondent/complainant filed a complaint under Section 233 of BNSS as against the petitioner before the learned Judicial Magistrate, Fast Track Court, Poonamallee, for the offence under Section 138 of the Negotiable Instruments Act, 1881 along with a condone delay petition in Crl.MP.No.70 of 2025 seeking to condone the delay of 32 days in filing the said complaint, alleging that towards discharge of liability of Rs.1,00,000/-, the petitioner issued a cheque bearing No.025159 dated 08.08.2024 drawn on Tamil Nadu Mercantile Bank, Ervadi Branch in his favour. The cheque, when presented by the respondent/complainant for collection, was dishonoured and hence, the complaint was filed. Challenging the same, the petitioner has come up with this petition.

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3. Learned counsel for the petitioner submitted that the petitioner's brother-in-law and the respondent had some financial dispute. However, subsequently, the said dispute was settled between them and the said amount of Rs.1,00,000/- was repaid to him. Learned counsel further submitted that the petitioner is ready to face trial. However, since the petitioner is a resident of Tirunelveli District and he has undergone Angioplasty Surgery during June, 2024, the doctors have advised the petitioner not to travel long distances and only due to his ill health, the petitioner has come up with this criminal original petition seeking transfer of the said proceedings. Hence, he submitted that it would suffice, if this Court issues necessary direction for transfer of Crl.MP.No.70 of 2025 in STC.No. of 2025, pending on the file of the learned Judicial Magistrate, Fast Track Court, Poonamallee, to the file of the learned Judicial Magistrate, Tirunelveli or any other Judicial Magistrate, in Tirunelveli District.

4. This Court gave its careful consideration to the arguments advanced by the learned counsel for the petitioner and perused the materials available on record.



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5. The facts are not in dispute. The petitioner has filed a counter and is contesting the case. However, the petitioner has come up with this transfer petition solely on the ground that he being a resident of Tirunelveli District, is unable to travel long distances due to his indisposition. However, the same cannot be a ground for transfer, since allowing this petition on the said ground would set a precedent for other litigants to seek similar relief by citing the reason of indisposition, thereby potentially disrupting the course of justice. Therefore, this Court is not inclined to entertain this petition.

6. At this juncture, the learned counsel for the petitioner sought indulgence of this Court to dispense with the presence of the petitioner before the trial court.

7. Acceding to the above request of the learned counsel for the petitioner, this criminal original petition stands disposed of and the presence of the petitioner before the trial court is dispensed with, except for receipt of copies, answering the charges, questioning under Section 313 of Cr.P.C. The petitioner shall be duly represented by his counsel before the trial court on



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all hearing dates and he shall appear before the trial court as and when required and he shall file an affidavit of undertaking to that effect.

Consequently, the connected miscellaneous petition is closed.

12.11.2025

skt

Index : Yes/No
Speaking order : Yes/No
NCC : Yes/No

To:

1. The Judicial Magistrate, Fast Track Court,
Poonthamallee.

2. The Judicial Magistrate,
Tirunelveli.



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A.D.JAGADISH CHANDIRA, J.

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