



Crl.O.P (MD) No.15238 of 2025

WEB COPY **BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 21.03.2025

CORAM

**THE HONOURABLE MR.JUSTICE P. DHANABAL**

**Crl.O.P(MD) No.15238 of 2024**  
**and Crl.M.P(MD) No.9546 of 2024**

Haris

... Petitioner

Vs.

Balakrishnan

...Respondent

**PRAYER:** Criminal Original petition has been filed under Section 528 of BNSS, 2023, to transfer S.T.C.No.550 of 2022 on the file of the learned Judicial Magistrate No.II, Kulithalai to any other Jurisdictional Magistrate in Trichy District.

For Petitioner : Mr.S.Vashik Ali

For Respondent : Ms.A.Zubaitha Banu

### **ORDER**

This criminal original petition has been filed by the petitioner to transfer the case in S.T.C.No.550 of 2022 on the file of the learned Judicial Magistrate No.II, Kulithalai to any other Jurisdictional

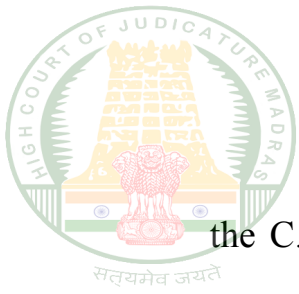


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Magistrate in Trichy District.

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2. The learned counsel appearing for the petitioner would submit that the petitioner is the accused in the cheque case in S.T.C.No.550 of 2022 on the file of the learned Judicial Magistrate No.II, Kulithalai. In this case, already P.W1 was examined and his evidence was closed and thereafter, R.W1 was also examined. While so, the respondent herein has filed an application before the Trial Court praying for an interim compensation of 20% of the cheque amount and the same was allowed by the Trial Court. Therefore, the respondent herein has filed an another application to recover the 20% interim compensation from the petitioner and the same is pending. Meanwhile, the case had reached the defence side evidence and the petitioner has filed an application under Section 315 of Cr.P.C praying to permit him to examine as witness. The learned Judicial Magistrate No.II has refused to receive the petition and instructed the respondent counsel to withdraw the C.M.P.No.2166 of 2023 filed for recover of the compensation amount, so as to pronounce the judgment immediately. Though the petitioner's counsel prayed the Court to pass order in the petition filed under Section 315 Cr.P.C., without even numbering the case insisted the respondent to withdrawn



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the C.M.P filed for recovery of 20% interim compensation. Therefore, the Presiding Officer acting in favour of the respondent and thereby, the petitioner has filed the petition to transfer the case.

3. The learned counsel appearing for the respondent would submit that the petitioner has not come to the Court with clean hands and with false allegation, he has filed this petition. The Trial Court has never insisted the respondent to withdraw the case so that the Trial Court can pass judgment immediately. Only to delay the proceedings, the petitioner has filed this petition without any merits and therefore, this petition is liable to be dismissed.

4. Heard both sides and perused the records.

5. The petitioner has filed the petition to transfer the case from the Judicial Magistrate NoII, Kulithalai to some other competent Court to try by raising some allegation against the Presiding Officer. This Court also called for report from the Presiding Officer and the Presiding Officer has denied the allegations levelled against her. Already both sides examined the witnesses and now the case is at the ending stage. At this stage, the



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petitioner arises some allegations and the said allegations also denied by the Presiding Officer. Without any valid reasons, the petitioner has raised some allegations against the Presiding Officer and the same is not appreciable. However, once there are some allegations raised against the Presiding Officer, it is not appropriate to conduct the case before the same Officer. Therefore, without accepting the allegations levelled by the petitioner as against the Presiding Officer to meet the ends of justice, this Court is inclined to allow this petition by transferring the case from the learned Judicial Magistrate No.II, Kulithalai to the learned Judicial Magistrate No.I, Kulithalai. The case in S.T.C.No.550 of 2022 is ordered to be withdrawn from the Judicial Magistrate No.II, Kulithalai and transfer to the file of the Judicial Magistrate No.I, Kulithalai. The Judicial Magistrate No.II, Kulithalai is directed to sent the case bundles along with the entire record to the Judicial Magistrate No.I, Kulithalai within a week from the date of receipt of a copy of this order and thereafter, the Judicial Magistrate No.I, Kulithalai has to dispose of the case as early as possible preferably within a period of two months from the date of receipt of the case bundles.



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6. Accordingly, this Criminal Original Petition is allowed.

Consequently, connected Criminal Miscellaneous Petition is closed.

**21.03.2025**

Internet :Yes  
Index :Yes/No  
NCC :Yes/No  
Mac

To

1. The Judicial Magistrate No.I, Kulithalai
2. The Judicial Magistrate No.II, Kulithalai
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**P. DHANABAL, J.**

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