

IN THE COURT OF THE PRINCIPAL JUDGE,
CITY CIVIL COURT, CHENNAI

Present: **Thiru. S. Karthikeyan**, M.A., M.L., M.Sc., P.G.D.C.F.Sc., P.G.D.D.F.,
Principal Judge

Wednesday, the 29th day of July, 2026

Transfer CrI.M.P.No. 3851/2026
in
STC.No. 1132/2023

(On the file of the learned Metropolitan Magistrate XXVII, Saidapet, Chennai)

V. Suresh,

... Petitioner/Accused

-Vs.

P. Saravanan,

.... Respondent/Complainant

This petition is coming on this day before this court for hearing in the presence of M/s.P.Venkatesan, C.R.Maheshbalaji, C.Ezhilarasan, S.Thiyagarajan, K.Amulraj, E.Nanthakumar, Counsel for the petitioner/Accused and M/s.T.G.V.Ramanigopal, counsel for the respondent and on perusal of the records, this Court delivered the following :

ORDER

The petitioner has come up with the present petition u/s.408 of Cr.PC to transfer the STC. No. 1132/2023 pending on the file of the XXVII Court, Saidapet, Chennai to any other competent Metropolitan Magistrate.

2. The petitioner in his petition submitted as below

The petitioner is the Accused in STC.No. 1132/2023 pending on the file of the learned Metropolitan Magistrate XXVII Court, Saidapet, Chennai, filed by the respondent/complainant u/s. 138 of NI Act. Even, the petitioner/Accused contesting the case regularly through his counsel, the learned Magistrate has been consistently denying reasonable opportunity to the petitioner and has been showing undue indulgence to the complainant. There were repeated opportunities were granted to the

respondent/complainant to advance arguments on 24.11.2025, 08.12.2025, 17.12.2025 and 09.01.2025, thus, while the petitioner was denied even a brief opportunity to submit arguments, the respondent was repeatedly accommodated. The petitioner filed the petition seeking to summon and examine the bank Manager, the same was dismissed without hearing the petitioner's submissions. The learned Magistrate declined to grant any reasonable adjournment on the sole ground that no order of stay had been granted. No equal opportunities were granted to the petitioner even repeated opportunities were granted to the complainant. The petitioner is not making any allegation of personal bias against the learned Magistrate, however, the surrounding circumstances are such that the petitioner reasonably apprehends that justice may not appear to have been done. Hence, the present petition has become necessary in the interest of justice. The complete recording of the petitioner's evidence and of the cross-examination of the complainant has materially affected the petitioner's defence. Hence, the petitioner has filed this present transfer application.

3. The respondent in his counter submitted as below:-

The respondent/complainant deny all the allegations, averments and contentions made by the petitioner/Accused and the petition filed u/s. 408 of Cr.PC, is wholly devoid of merits, frivolous, vexatious and intended solely to delay the proceedings in STC. No. 1132/2023. The petitioner approached the respondent seeking financial assistance to the tune of R.s 10,00,000/- for his urgent financial commitment and represented that the amount would be repaid within one month. The petitioner also issued a signed post dated cheque for repayment. When the same was presented, returned with an endorsement payment stopped by drawer. The petitioner has been repeatedly filing complaints against the respondent before various authorities to harass the respondent. The petitioner has consistently adopted dilatory tactics by filing numerous miscellaneous petitions solely to prolong the trial. The allegations of bias levelled against the learned Metropolitan Magistrate are wholly false, baseless, unfounded and unsupported by any material whatsoever. He failed to

place any cogent evidence to establish actual prejudice, unfair treatment, denial of opportunity or any conduct on the part of the learned Magistrate that would give rise to a reasonable apprehension of bias. This present transfer is yet another attempt to protract the proceedings and avoid an expeditious adjudication of STC No. 1132/2023. Therefore, the present transfer petition deserves to be dismissed with costs as an abuse of process of law.

4. Notice issued to the respondent. The respondent entered appearance through his counsel. Both sides heard. Trial court records are called for and perused.

5. Point for determination.

Whether the case in STC.No. 1132/2023 is to be transferred on the file of XXVII Metropolitan Magistrate Saidapet, Chennai to any other competent criminal court or not?

Answer:

6. The learned counsel for the Petitioner/Accused, in his written submissions, submitted as below:

i. The present Transfer Original Petition has been filed under Section 408 of the Code of Criminal Procedure, 1973 (corresponding to Section 448 of the Bharatiya Nagarik Suraksha Sanhita, 2023), not on account of any personal allegation against the learned Metropolitan Magistrate, but solely because the cumulative conduct of the proceedings has created a bona fide, genuine and reasonable apprehension in the mind of the petitioner that he may not receive a fair, impartial and meaningful trial. The petitioner has the highest respect for the institution of the judiciary and has no intention whatsoever to scandalise or lower the dignity of the Court. The present petition is founded only on the settled principle that justice must not only be done but must also manifestly appear to have been done. The petition narrates several specific instances occurring during the course of the trial which, when viewed collectively,

have compelled the petitioner to invoke the extraordinary jurisdiction of this Hon'ble Court for transfer of the proceedings.

ii. At the outset, it is respectfully submitted that the respondent, instead of meeting the specific allegations raised by the petitioner, has attempted to divert the attention of this Hon'ble Court by narrating the facts relating to the alleged loan transaction, the issuance of cheque and the proceedings under Section 138 of the Negotiable Instruments Act. Those factual averments are wholly irrelevant for deciding the present Transfer Petition because this Hon'ble Court is not adjudicating the merits of the cheque case. The only issue that arises for consideration is whether the petitioner has established circumstances giving rise to a reasonable apprehension that he may not receive a fair and impartial trial before the present Court. Therefore, the elaborate narration regarding the financial transaction and the merits of the complaint does not answer the real controversy involved in the present proceedings.

iii. The respondent has further alleged that the Transfer Petition has been filed only to delay the proceedings and that the petitioner has been filing several miscellaneous petitions before the Trial Court. This allegation is entirely unfounded. Every petition filed by the petitioner was under the provisions of law and was intended to safeguard his valuable right to defend himself effectively. A litigant cannot be penalised merely because he has invoked statutory remedies available under law. The exercise of legal remedies cannot be characterised as an abuse of process. On the contrary, the repeated filing of petitions itself demonstrates that the petitioner was continuously compelled to seek judicial intervention because he believed that he was not receiving equal and fair treatment during the course of the trial. Mere multiplicity of proceedings is not proof of mala fides, particularly when each proceeding has been initiated for protecting legal rights guaranteed under law.

iv. One of the most significant circumstances pleaded by the petitioner relates to the events of 24.11.2025, when the petitioner's counsel sought only a short accommodation after receiving the respondent's counter at the last minute According

to the petitioner, the learned Magistrate agreed to pass over the matter till after the luncheon recess. However, when the petitioner's counsel returned in the afternoon ready to advance arguments, he was informed that the opportunity had already been closed. This allegation has not been specifically denied by the respondent with any contemporaneous record. Instead, the respondent merely makes a general allegation that sufficient opportunities were granted throughout the proceedings. Such a vague denial cannot displace the specific factual assertion made by the petitioner. Denial of an opportunity to advance arguments, despite the matter having been passed over, strikes at the very root of the principles of natural justice.

v. Equally important is the fact that the petitioner immediately approached the Hon'ble High Court seeking preservation of the CCTV footage relating to the proceedings on 24.11.2025, 27.02.2026, 10.03.2026 and 15.04.2026. This contemporaneous request assumes considerable significance because it demonstrates that the petitioner sought preservation of objective electronic evidence at the earliest possible opportunity. Had the allegations been imaginary or subsequently invented, there would have been no occasion for the petitioner to request preservation of the CCTV recordings. The very act of seeking preservation of electronic evidence substantially reinforces the bona fides of the petitioner and lends credibility to his grievance that the actual events which transpired inside the Court Hall could be independently verified through CCTV footage.

vi. The principal question that arises for consideration in the present Transfer Original Petition is whether the petitioner has established the existence of a bona fide and reasonable apprehension that he may not receive a fair, impartial and unbiased trial before the learned Metropolitan Magistrate, XXVII, Saidapet, Chennai, so as to warrant the exercise of the extraordinary jurisdiction of this Hon'ble Court under Section 408 of the Code of Criminal Procedure, 1973. In deciding the said question, this Hon'ble Court may consider whether the repeated denial of reasonable opportunity to the petitioner, the unequal treatment allegedly extended to the parties

during the course of the proceedings, the refusal to hear the petitioner's submissions after the matter had been passed over, the repeated incorrect recording of docket entries regarding the presence of the petitioner and his counsel, the alleged incomplete recording of evidence and cross-examination, and the subsequent request made by the petitioner for preservation of the CCTV footage of the Court proceedings, when viewed cumulatively and not in isolation, are sufficient to create in the mind of a reasonable litigant a genuine apprehension that justice may not only fail to be done but may also fail to appear to have been done. This Hon'ble Court is also required to consider whether the respondent has effectively rebutted these specific allegations by placing acceptable materials on record or has merely offered general denials without meeting the substance of the petitioner's case, and whether the dismissal of an earlier Transfer Petition can operate as a bar to the present proceedings when the present petition is founded upon subsequent events and fresh circumstances which arose during the continuation of the trial. Ultimately, the issue that falls for determination is whether, in the interest of preserving public confidence in the administration of justice and safeguarding the petitioner's fundamental right to a fair trial, the proceedings in S.T.C. No.1132 of 2023 deserve to be transferred to another competent Court in exercise of the powers conferred under Section 408 Cr.P.C.

vii. The law governing the transfer of criminal proceedings is well settled. The power conferred under Section 408 of the Code of Criminal Procedure is intended to secure the ends of justice and to uphold public confidence in the fairness and impartiality of the judicial process. The object of the provision is not merely to remedy cases of actual bias, but also to prevent situations where the surrounding circumstances are such as to create a reasonable and bona fide apprehension in the mind of a litigant that he may not receive a fair and impartial trial. It is a cardinal principle of criminal jurisprudence that justice must not only be done but must also manifestly appear to have been done. Therefore, while considering a petition for transfer, the Court is not required to determine whether the Presiding Officer has in

fact acted with bias or prejudice; rather, the Court is required to examine whether the cumulative effect of the circumstances relied upon by the petitioner would create, in the mind of a reasonable and fair-minded person, a genuine apprehension that the trial may not be conducted in a manner consistent with the principles of fairness and natural justice.

viii. The Hon'ble Supreme Court in *Maneka Sanjay Gandhi v. Rani Jethmalani*, (1979) 4 SCC 167, held that while considering a transfer petition, the Court is not required to find actual bias, but only whether there exists a reasonable apprehension in the mind of a litigant that justice may not be done. The Court emphatically observed that "assurance of a fair trial is the first imperative of the dispensation of justice" and that justice must not only be done but must also appear to have been done. The ratio laid down in the aforesaid judgment squarely applies to the facts of the present case. The petitioner has not alleged any personal bias against the learned Metropolitan Magistrate. The grievance of the petitioner is founded upon the cumulative effect of repeated procedural irregularities, including denial of a meaningful opportunity of hearing, disputed docket entries, incomplete recording of evidence and the necessity to seek preservation of the CCTV footage. These circumstances have created a bona fide and reasonable apprehension that the petitioner may not receive a fair and impartial trial. Therefore, the present petition fully satisfies the test laid down by the Hon'ble Supreme Court in the aforesaid decision.

ix. Similarly, in *Gurcharan Dass Chadha v. State of Rajasthan*, AIR 1966 SC 1418, the Hon'ble Supreme Court held that the test is not the subjective satisfaction of the litigant but whether a reasonable person would entertain a genuine apprehension regarding the fairness of the trial. The present case also satisfies the test formulated by the Hon'ble Supreme Court in *Gurcharan Dass Chadha*, namely, whether a reasonable and fair-minded person would entertain a genuine apprehension regarding the fairness of the proceedings. The petitioner's apprehension is not based upon a

solitary adverse order but upon a series of contemporaneous events occurring during the course of the trial. The cumulative effect of these events clearly establishes that the apprehension entertained by the petitioner is reasonable, bona fide and legally sustainable.

x. The respondent has proceeded on the erroneous assumption that unless actual bias is affirmatively proved, a transfer petition is liable to fail. Such a proposition is contrary to the settled principles repeatedly laid down by the Hon'ble Supreme Court. The law does not insist upon proof of actual prejudice, for judicial bias ordinarily operates in subtle ways and is rarely capable of direct proof. What the Court is required to consider is whether the circumstances, viewed objectively and cumulatively, are capable of generating a reasonable apprehension in the mind of the litigant that justice may not be administered with complete fairness. It is this test of reasonable apprehension, and not proof of actual bias, which governs the exercise of jurisdiction under Section 408 Cr.P.C.

xi. In the present case, the petitioner does not rest his case upon any isolated incident or on mere dissatisfaction with adverse judicial orders. The grievance of the petitioner arises from a series of events, namely, the repeated denial of reasonable opportunity, the refusal to hear submissions after the matter had been passed over, the repeated incorrect recording of docket entries concerning the presence of the petitioner and his counsel, the alleged incomplete recording of evidence, and the necessity to seek preservation of the CCTV footage relating to the Court proceedings. These circumstances, when viewed collectively rather than in isolation, constitute the foundation of the petitioner's bona fide apprehension that he may not receive a fair and impartial trial. The counter affidavit also fails to explain the circumstances surrounding the specific incidents pleaded by the petitioner and instead resorts to general allegations regarding the petitioner's conduct, which are wholly irrelevant for deciding the present transfer petition. The counter affidavit is conspicuously silent as to why an innocent litigant would voluntarily invite scrutiny of the official CCTV

recordings if the allegations made by him were devoid of truth. Every Accused is entitled to a full, fair and effective opportunities to present his defence, to adduce to address arguments and to have his case adjudicated by an impartial court. Any procedure which deprives a litigant of such meaningful opportunity strikes at the very root of the principles of natural justice and renders the fairness of the proceedings open to legitimate scrutiny.

xii. In *A.K. Kraipak and Others v. Union of India and Others*, (1969) 2 SCC 262, the Hon'ble Supreme Court authoritatively held that the principles of natural justice are intended to prevent miscarriage of justice and to secure fairness in every decision-making process affecting the rights of parties. The Court further observed that the aim of the rules of natural justice is to ensure fairness in action and to prevent arbitrariness in the exercise of judicial or quasi-judicial powers. The ratio laid down in the aforesaid judgment squarely applies to the facts of the present case. The petitioner's grievance is not directed against any adverse judicial order as such, but against the cumulative procedural irregularities, including the denial of an effective opportunity of hearing, the disputed recording of docket entries, the alleged incomplete recording of evidence and the circumstances which compelled the petitioner to seek preservation of the CCTV footage. These circumstances, viewed cumulatively, disclose a prima facie infringement of the principles of natural justice and justify the exercise of this Hon'ble Court's jurisdiction under Section 408 of the Code of Criminal Procedure to secure a fair and impartial trial. In *Zahira Habibullah Sheikh (5) and Another v. State of Gujarat and Others*, (2006) 3 SCC 374, the Hon'ble Supreme Court emphatically held that a fair trial is the very foundation of criminal jurisprudence and is an integral facet of the guarantee under Articles 14 and 21 of the Constitution of India. The Court observed that a fair trial is one in which bias or prejudice for or against the Accused, the witness or the cause being tried is eliminated and the trial is conducted in a manner which inspires confidence in the administration of justice.

xiii. In the light of the facts and circumstances set out hereinabove, the petitioner has successfully established the existence of a bonafide, genuine and reasonable apprehension that he may not receive a fair, impartial and meaningful trial before the learned Metropolitan Magistrate, XXVII Court, Saidapet, Chennai. Therefore, this court to allow the transfer original petition, withdraw STC.No. 1132/2023 from the file of the learned Metropolitan Magistrate XXVII Court, Saidapet, Chennai and transfer the same to any other competent court.

7. The learned counsel for the respondent/complainant, in his written submissions, submitted as below:

i. The Respondent/Complainant submits these Written Arguments in opposition to the Transfer Original Petition and the supporting affidavit of the Petitioner/Accused filed under Section 408 Cr.P.C. and Section 448 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS"), seeking withdrawal and transfer of S.T.C. No.1132 of 2023 from the file of the learned Metropolitan Magistrate-XXVII, Saidapet, Chennai. The Respondent has carefully examined the affidavit filed in support of the Petition and compared it against the Counter Affidavit already on record. Unlike a general allegation of hostility, the Petitioner's affidavit now sets out a chronology of specific dated events between 25.09.2025 and 15.04.2026, which are said, cumulatively, to give rise to a reasonable apprehension of an unfair trial. The Respondent reiterates and reaffirms the Counter Affidavit and submits, for the reasons set out below, that none of the specific instances relied upon whether taken singly or cumulatively meets the settled legal threshold for transfer of a criminal trial that has already reached an advanced stage.

ii. The Petitioner borrowed Rs. 10,00,000/- from the Respondent in December 2022 and, in discharge thereof, issued cheque No.000093 dated 10.01.2023 drawn on City Union Bank, Gingee Branch, which was dishonored on 28.02.2023 with the endorsement "Payment Stopped by Drawer", stop-payment instructions having been

issued by the Petitioner on 16.02.2023. The consequent complaint under Section 138 of the Negotiable Instruments Act, 1881 is on file as S.T.C. No.1132 of 2023 before the learned Metropolitan Magistrate-XXVII, Saidapet Chennai. The trial has progressed through cross-examination of the complainant (06.10.2025 and 15.10.2025), examination under Section 313 BNSS/Cr.P.C., and recording of the Petitioner's defence evidence (15.04.2026), and is thus at an advanced stage. An earlier Transfer Petition filed by the very same Petitioner CrI.O.P. No.18977 of 2024 under Section 446 BNSS seeking transfer of this very S.T.C. from Saidapet to Gingee, was dismissed by the Hon'ble High Court of Madras by order dated 28.08.2024. The present Petition, invoking bias for the first time, is a second and renewed attempt to remove this trial from the seisin of the learned Metropolitan Magistrate.

iii. The affidavit filed in support of the Petition does not allege personal bias against the learned Magistrate. Instead, it relies on a series of procedural events which, it is claimed, cumulatively create a reasonable apprehension of an unfair trial. These may be summarised as follows: (i) imposition of costs on 25.09.2025 for cross-examining the complainant; (ii) grant of repeated adjournments to the complainant to file a counter in the petition to summon the Bank Manager, resulting in the counter being filed only on 24.11.2025, immediately before the hearing; (iii) the Petitioner's counsel not being heard on the matter after it was passed over for the luncheon recess on 24.11.2025; (iv) dismissal of CrI. M.P. No.15 of 2025 on 10.03.2026 after repeated adjournments were granted to the complainant to file a counter therein; (v) an incorrect docket entry dated 27.02.2026 recording no representation for the Petitioner, later stated to have been corrected after reference to CCTV footage; (vi) dismissal of a further petition on 18.03.2026, presently under challenge before the Hon'ble High Court; (vii) only a short time being granted to produce defence documents under Section 313 examination, of which the Petitioner nevertheless produced approximately 80%; (viii) alleged incomplete or inaccurate recording of portions of the evidence of the Petitioner and of the cross-examination of the

complainant, of which the Petitioner states "only some of the corrections were ultimately carried out"; and (ix) a docket entry dated 15.04.2026 said to be personally present and to have deposed have incorrectly recorded the Petitioner's absence, though the Petitioner claims to have been personally present and to have deposed.

iv. It is significant, and to the Respondent's mind decisive, that the Petitioner expressly disclaims any allegation of personal bias, and instead invokes only the test of "reasonable apprehension". It is precisely this test, correctly understood and applied, that defeats the present Petition for the reasons set out below. It is well settled that the power to transfer a criminal trial is extraordinary and is to be exercised sparingly, only on a well-founded and reasonable apprehension that a fair trial is not possible not on hypersensitivity, inconvenience, or dissatisfaction with the ordinary incidents of litigation:

v. *Maneka Sanjay Gandhi v. Rani Jethmalani*, (1979) 4 SCC 167

The Hon'ble Supreme Court held that assurance of a fair trial is the first imperative of justice, but that the central criterion for transfer is not the hypersensitivity or relative convenience of a party or minor grievances of litigation; something far more substantial, compelling and imperilling to public justice is necessary before the power of transfer can be exercised. This principle squarely governs the present case, where the grievances are, with respect, pleaded costs orders, adjournments, and clerical docket entries precisely the category of "mini-grievances" that this test excludes.

vi. *M/s Shri Sendhur Agro & Oil Industries v. Kotak Mahindra Bank Ltd.*, 2025 INSC 328 (decided 6 March 2025)

In this recent decision concerning transfer of Section 138 N.I. Act proceedings, the Hon'ble Supreme Court comprehensively restated the law on transfer of criminal trials, reaffirming that the power is not to be exercised as a matter of routine and must be reserved for exceptional situations necessary to preserve the credibility of the trial.

The Court reiterated the illustrative (non-exhaustive) factors relevant to a transfer plea namely, whether the prosecution is acting hand-in-glove with the Accused, whether the Accused may influence witnesses or cause harm to the complainant, comparative hardship to the parties and witnesses, a communally surcharged atmosphere, or material showing that hostile persons are interfering with the course of justice. None of these factors, nor anything resembling them, is present in this case; what is pleaded is, at its highest, dissatisfaction with case-management orders and clerical entries in the ordinary course of a contested trial.

vii. *Gurcharan Dass Chadha v. State of Rajasthan*, AIR 1966 SC 1418

The apprehension of injustice must not merely be entertained by the party but must appear to the Court, objectively, to be reasonable in the circumstances alleged; a bare, unsubstantiated allegation of apprehension does not suffice.

Captain Amarinder Singh v. Parkash Singh Badal, (2009) 6 SCC 260

A three-Judge Bench held that the apprehension of not receiving a fair and impartial trial must be reasonable and not imaginary, and that free and fair trial being a facet of Article 21 does not mean that every litigant dissatisfied with the progress of a trial can seek its transfer.

viii. *Usmangani Adambhai Vahora v. State of Gujarat*, (2016) 3 SCC 370

Seeking transfer "at the drop of a hat" is impermissible; an order of transfer cannot be passed as a matter of routine merely because an interested party has expressed apprehension about the conduct of the trial.

Even accepting the Petitioner's own framing that no personal bias is alleged, the surrounding-circumstances test he invokes still requires cogent, objectively assessable material not a list of adverse or unfavorable procedural orders:

ix. *Kumaon Mandal Vikas Nigam Ltd. v. Girja Shankar Pant*, (2001) 1 SCC 182

Mere general statements are insufficient to establish bias; there must be cogent evidence on record, and the applicable test is one of real likelihood or reasonable

suspicion of bias, assessed objectively by the Court and not from the litigant's own perception of events.

x. *State of Punjab v. V.K. Khanna*, (2001) 2 SCC 330

Bias, being akin to malice, cannot be inferred from general or vague statements and must be established through cogent material on record.

xi. It is a settled and salutary principle that a judicial order, passed after hearing both sides in the legitimate exercise of discretion, cannot by itself found an allegation of bias or a claim for transfer. If it were otherwise, every litigant aggrieved by a cost order, an adjournment granted to the opposite side, or an adverse interlocutory order would be entitled to seek transfer, and no trial would ever attain finality. It is useful, at this stage, to recall the accepted lexical meaning of the very term the Petitioner invokes from Black's Law Dictionary. "Bias" is described therein, in substance, as a leaning or inclination of the mind a preconceived opinion or predisposition that causes a person to decide a matter in a particular way, such that the mind is not genuinely open to being persuaded on the merits.

xii. In Black's Law Dictionary (6th ed., p. 162), bias is defined as an "inclination, bent, predisposition, or a preconceived opinion to decide a cause or an issue in a particular way, which does not leave the mind perfectly open to conviction." It further denotes a mental condition that sways judgment and renders a judge incapable of exercising judicial functions impartially in a particular case. In the context of judicial disqualification, bias refers to the judge's mental attitude or disposition towards a party to the litigation, rather than any opinion the judge may hold regarding the subject matter of the dispute. This principle is embodied in the Latin maxim *nemo iudex in causa sua*, meaning "No person shall be a judge in his own cause." The rule is a cornerstone of the principles of natural justice, ensuring that justice is administered by an impartial and unbiased adjudicator.

xiii. The increasing frequency with which allegations of judicial bias have come before the courts underscores the enduring relevance of the celebrated observation of Lord Hewart, C.J., in *R v Sussex Justices, ex parte McCarthy* ([1924] 1 K.B. 256 at 259): It is of fundamental importance that justice should not only be done, but should manifestly and undoubtedly be seen to be done. This dictum remains one of the most authoritative statements on the requirement of judicial impartiality and the appearance of fairness in the administration of justice. Tested against this meaning, none of the nine events catalogued in paragraph 6 above discloses any such fixed, pre-existing leaning on the part of the learned Magistrate; at best they disclose the ordinary friction of a contested trial, several instances of which were corrected upon verification, which is the very opposite of a mind that is not open to conviction.

xiv. Applying the above principles to the specific chronology pleaded in the Petitioner's affidavit, the Respondent submits as follows:

(a) Costs imposed on 25.09.2025 for cross-examining the complainant

Petitioner's ground: The imposition of costs shows undue indulgence to the complainant and denial of reasonable opportunity to the Petitioner.

Respondent's answer: The CrI.MP 3 of 2025 was allowed for PWI cross posted on 14.08.2025 and since the complainant was admitted to kilpak hospital due to fracture in right hand and surgery was done to him and for apperence on 02.09.2025 since the complainant was still under medical treatment could not appear on 22.09.2025. with all the ailment the complainant was present but Accused and no representation on Accused so passed over and took the matter after lunch at about 3.10 Pm. There was no representation and the Accused was also not present. And the Hon'ble court has closed the opportunity for cross on 22.09.2025 and posted for questioning by 25.09.2025 under Sec 313(1)(b) of Cr.PC. An order of costs for a procedural indulgence is a routine case-management tool available to every trial court to regulate the pace of proceedings; it is not, without more, a badge of bias. The Petitioner paid the costs and duly cross-examined the complainant on two subsequent dates

(06.10.2025 and 15.10.2025), demonstrating that the order caused no real prejudice and that the trial proceeded normally thereafter.

(b) Adjournments granted to the complainant to file a counter to the Bank Manager summons petition,

Petitioner's ground: Repeated adjournments were granted to the complainant (25.10.2025, 07.11.2025, 18.11.2025) while the counter was furnished only on 24.11.2025, shortly before the hearing. Petition reads as a continuation of the same pattern, rather than as freestanding evidence of an unfair tribunal.

xv. It is significant that the Petitioner's earlier Transfer Petition Crl.O.P. No.18977 of 2024, seeking transfer of this very S.T.C. from Saidapet to Gingee was dismissed by the Hon'ble High Court by order dated 28.08.2024. Having failed on that occasion on the ground of convenience, the Petitioner now advances a fresh set of grounds rooted in the day-to-day conduct of the trial, in an attempt to achieve indirectly what could not be achieved directly. This history is itself a relevant consideration under *Maneka Sanjay Gandhi (supra)* in assessing whether the present apprehension is genuine or a further instalment of a strategy to protract the proceedings.

xvi. For the reasons set out above, it is respectfully submitted that: (a) the governing test, reaffirmed as recently as March 2025 by the Hon'ble Supreme Court in *M/s Shri Sendhur Agro & Oil Industries (supra)*, requires something far more substantial than the mini-grievances pleaded here; (b) none of the illustrative factors recognised by the Hon'ble Supreme Court as warranting transfer collusion, threat to witnesses, communal tension, or hostile interference with justice is present; (c) each of the nine specific events relied upon in the Petitioner's affidavit is explicable as an ordinary incident of a contested trial, and several were, on the Petitioner's own case, corrected by the trial court itself upon being pointed out; (d) an almost identical grievance, on strikingly similar facts, was rejected by the Hon'ble Madras High Court in *Dr. Ranganathan v. Dr. Lakshmanan (supra)*; and (e) the Petitioner's own conduct through the trial, together with an earlier, dismissed transfer petition concerning this very S.T.C., discloses a pattern of delay rather than a bona fide apprehension of unfairness.

xvii. In view of the foregoing submissions and the settled law cited above, it is most respectfully prayed that this Hon'ble Court may be pleased to dismiss the Transfer Original Petition filed by the Petitioner/Accused under Section 408 Cr.P.C. and Section 448 of the BNSS as devoid of merit, and permit S.T.C. No.1132 of 2023 to proceed to its logical conclusion before the learned Metropolitan Magistrate-XXVII, Saidapet, Chennai, in accordance with law, and thus render justice.

8. This court has given its thoughtful consideration to the rival submission put forth by either side. The petitioner is the Accused in STC.No. 1132/2023, pending on the file of the XXVII Metropolitan Magistrate, Saidapet, Chennai. The petitioner has come up with the present application alleging that certain irregularities in conducting the proceedings before the learned Magistrate. According to the learned counsel for the petitioner, on 25.09.2025, petitioner has filed petition to cross examine the complainant, though the complainant's counsel had no objection, the learned Magistrate has directed the petitioner to pay the costs. The petitioner has paid the said costs and cross examined the complainant on 06.10.2025 and 15.10.2025.

9. However, on careful perusal of the records, received from the trial court, it is found that the respondent/complainant does not state that the petition may be allowed but he has made an endorsement that 'no counter, the petition may be allowed on costs'. Considering the said position, the Trial Court has imposed costs. Apart from that, even if the other side says no objection, the Court has every power to pass orders as to costs. If the costs imposed is excessive or arbitrary, it can be challenged in the

manner known to law. Therefore, the above contentions of the learned counsel for the petitioner is unsustainable as it is against the records.

10. Further, it is alleged by the learned counsel for the petitioner is that on 15.10.2025 he filed another application seeking for issuing summons and to cross examine the bank Manager. The learned Magistrate has granted repeated adjournments to the complainant on 25.10.2025, 07.11.2025 and 18.11.2025 for filing counter. Ultimately the complainant has filed the counter on 24.11.2025. The case was posted to 08.12.2025 for enquiry. The petitioner counsel appeared before said court at about 02.45 p.m. and expressed his readiness to advance his argument. However, the learned Magistrate has informed that the argument has already been treated as closed at 02.28 pm and consequently declined to hear the petition. However, on the very same petition, opportunities were given to the respondent /complainant to advance argument on 24.11.2025, 08.12.2025, 17.12.2025 and 09.01.2026. Therefore, according to the learned counsel for the petitioner, though the petitioner was denied even a brief opportunity, the respondent was repeatedly accommodate.

11. On careful perusal of records, it is found that in the application counter was filed by the respondent/complainant on 24.11.2025. Therefore, the case was adjourned to 08.12.2025 for enquiry. On 08.12.2025, the learned Magistrate has recorded that at the time of calling, the case was passed over for enquiry. Thereafter, no representation till 02.28 pm. Therefore, the petitioner side enquiry was closed. The case was posted for 17.12.2025 for respondent side enquiry. Thereafter, it was posted

to 26.12.2025, on that date, the judicial officer was on casual leave. Therefore, the case was posted to 09.01.2026. On 09.01.2026, the respondent side enquiry was adjourned to 23.01.2026 and on that day, the respondent side enquiry was heard and the case is reserved for orders to be pronounced on 05.02.2026. On 05.02.2026, the orders was passed. It is true that the petitioner side enquiry was closed on 08.12.2026 itself. However, the learned Magistrate has given two more opportunities to the respondent for making the respondent enquiry. In the mean time, the petitioner has not taken any steps to reopen the said enquiry, or did not make any attempt to make his oral or written submission before the learned Magistrate. Without taking any efforts to make submissions in the said petition, the petitioner has come up with the allegations only after its dismissal. Therefore, it is clear that the allegations are only an after thought and nothing but an attempt to make mountain out of a molehill.

12. The further contentions of the learned counsel for the petitioner is that he filed CrI.MP.No. 15/2025 on 17.12.2025, even in that application repeated opportunity were granted to file the counter on 09.01.2026, 23.01.2026, 05.02.2026, 13.02.2026 and 27.02.2026. Though such repeated adjournments were given to the complainant, the equal opportunities were not given to the petitioner and the said petition was dismissed on 10.03.2026.

13. However, on careful perusal of the said petition, it is found that the said petition was filed on 08.12.2025 in which the respondent has filed counter on 09.01.2026. On 23.01.2026, the petitioner was heard and thereafter the case was posted to respondent side enquiry on 05.02.2026, 13.02.2026 and 27.02.2026. Therafter, the order was

passed on 10.03.2026. Since, the petitioner was heard on 23.01.2026 itself, his presence on 27.02.2026 or his absence will not make any difference. However, it is found that on 27.02.2026, the learned Magistrate in the notes paper of the STC, recorded that the Accused absent and no representation on the Accused side. However, no adverse order was passed against the Accused. The learned counsel for the petitioner has made representation on the next hearings that his presence was not noted. Immediately, the learned Magistrate has realized the mistake and recorded the said mistake in the next hearing. On that day, the petition filed by the petitioner was dismissed.

14. The further contentions of the learned counsel for the petitioner is that the on 18.03.2026, another petition filed by the petitioner was also dismissed. However, from the submissions of the learned counsel for the petitioner it is found that, the petitioner has already approached the Hon'ble High Court of Madras, in respect of the order passed on 09.01.2026 and 18.03.2026. Therefore, whatever the grievances he has, to be addressed before the Hon'ble High Court of Madras. When the higher forum is seized of the matter, it would not be appropriate for this court to delve into those allegations.

15. The learned counsel for the petitioner further contended that on 15.04.2026, the petitioner personally appeared before the court and produced the documents and also deposed in support of his evidence. However, the magistrate recorded that the petitioner was absent. It is true that on 15.04.2026, it is recorded by the learend

Magistrate that, the Accused was absent, the petition was filed and allowed. However, on the day adjudication, it is recorded that the Accused was examined as D.W.1 and Ex-D.1 to D.17 were marked. The case is posted to chief continuation on 27.04.2026. Therefore, it is only a slip. No prejudice was caused to the petitioner due to recording of his absence in the notes paper. Any reasonable prudent man could understand that it is an accidental error. Merely because, the notes paper was wrongly recorded, it would not be a ground to apprehend that he may not be get justice from the said court.

16. On careful perusal of records, it is found that the petitioner/Accused have frequently filed several applications, one after the other and the said applications were dismissed by the court on merits. Since, he suffered adverse orders at the hands of the trial court, the petitioner herein has come up with the present application seeking for transfer. Merely a litigant suffered by some adverse orders at the hands of the trial court, it is not a ground for transferring case from that court to any other court. The transfer cannot be order mechanically for mere asking sake. Only in exceptional circumstances and when the circumstances are so compelled, the transfer has to be done. The allegations made by the learned counsel for the petitioner in his transfer petition or not even irregularities which would vitiate the proceedings of the learned Magistrate. The petitioner has not shown any prejudice he suffered due to the alleged irregularities except that he received certain adverse orders on merits. Therefore, this court finds no reasons to withdraw the case on the file of the learned

XXVII Metropolitan Magistrate and to transfer the same to any other court.

Accordingly, this petition is dismissed.

17. In the result, this petition is dismissed.

Dictated to the Stenographer directly, typed by him, corrected and pronounced by me in the open Court, this the 29th day of July, 2026.

**Principal Sessions Judge.
City Civil Court
Chennai**