

IN THE COURT OF PRINCIPAL SESSIONS JUDGE, CHENNAI

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

Principal Sessions Judge.

Monday, the 29th day of June, 2026.

Crl.M.P.No.916/2026

in

S.T.C.No.718/2025

(on the file of the FTC-V Metropolitan Magistrate, Saidapet, Chennai)

G. Selvakumar,
S/o. Gopal

...Petitioner/Accused

Vs.

S. Kiruba,
W/o. T. Suresh Kumar

...Respondent/Complainant

This petition is coming on this day before this court for hearing in the presence of M/s. V. Raghuraman, M. Mohamed Javith, K. Ramesh, N. Vinoth Kannan, the counsel for the petitioner and of M/s. J. Chandran Sundar Sashikumar, P. Vinod Kumar, the counsel for the respondent and upon hearing both sides, upon perusal of case records, this Court delivered the following:

ORDER

The petitioner has come up with the present application seeking for transfer of case in S.T.C.No. 718/2025 on the file of the FTC-V Metropolitan Magistrate Court, Saidapet, Chennai to any other competent court having jurisdiction.

2. The petitioner, in his petition, submitted as below:

The Petitioner is the Accused in the above cheque bounce case pending on the file of the Fast Track Court - V, Saidapet, Chennai. The case is instituted and continuing in F.T.C-V, Saidapet. The present Presiding Officer has assumed charge in the month of May 2025 after transfer from the George Town Court, Chennai. The case is presently at the stage of cross-examination of PWI (complainant). An

application filed by the petitioner/Accused under Section 94 of BNSS, 2023, is pending consideration, before the trial court, and the matter is posted to 03.02.2026 for further proceedings. After assumption of charge by the learned Magistrate at F.T.C-V, a large number of cases under Section 138 of the Negotiable Instruments Act have been disposed of by way of conviction, except cases which ended in settlement/compromise or a very limited number of cases (Two) involving clearly time-barred debt. This petition is not filed with any intention to cast aspersions on the learned Presiding Officer. The petitioner has the highest respect for the judiciary and the judicial officer concerned. The petition is filed only to safeguard the petitioner's right to a fair and impartial trial. In the present case, the petitioner has raised substantial and bonafide defence grounds based on facts and law which require independent and impartial consideration. However, in view of the consistent pattern of disposal in similar matters, the petitioner is under a reasonable apprehension that justice may not appear to be done if the case continues before the same court. It is a settled principle of law that even a reasonable apprehension in the mind of a litigant that he may not receive a fair trial is a valid ground for transfer of a case, and the paramount consideration is the interest of justice. It is to be noted that nearly about 100 cases (excluding settlement/compromise cases and ignoring two acquittals solely on the ground of time-barred debt) have resulted in convictions after matters were dealt with in FTC - V, Saidapet, which has contributed to the petitioner's apprehension. Therefore, the petitioner seeks the transfer of the above case from the file of FTCV, Saidapet, Chennai, to any other competent court having jurisdiction. The proposed transfer will not cause any prejudice to the respondent/complainant and will only advance the cause of justice. The above case is now posted on 03.02.2026 for further proceedings including cross-examination of PWI, while the application filed by the petitioner/Accused under Section 94 of the BNSS 2023, is still pending consideration before the FTC V, Saidapet, If the proceedings are continued during the pendency of the present administrative request, irreparable prejudice may be caused to the petitioner/Accused.

3. The respondent in her counter contended as below:

The Respondent herein, deny all allegations in the Transfer Petition except those specifically admitted, and put the Petitioner to strict proof. The petition seeking transfer of S.T.C.No.718/2025 is neither maintainable in law nor sustainable on facts and must be dismissed *in limine*. While the factual statements in Paragraphs 1 and 2 are admitted, the averments in Paragraph 3 are only partly true. It is admitted that the case is at the cross-examination stage of PW1, but the Petitioner's claim that an application under Section 94 of B.N.S.S. is pending is completely false. The said application (C.M.P.No.08/2025) has already been allowed, directing the respondent to produce the loan agreement. The respondent deny the allegations in Paragraphs 4, 8, and 9 regarding the disposal statistics of the Fast Track Court-V, Saidapet. The Petitioner's claim that nearly 100 cases under Section 138 of the N.I. Act resulted almost exclusively in convictions—thereby creating a "reasonable apprehension" of bias—is unverified, generic, and put to strict proof. Furthermore, the allegations in Paragraphs 5 and 6 are malicious and manipulative. This petition is not filed to safeguard the right to a fair trial, but is rather an intentional attempt to degrade an honest presiding officer and deliberately protract the trial proceedings. The Petitioner has no valid case on facts or law. Following the dishonour of the cheque, the respondent issued a statutory notice dated 02.09.2024, which the Petitioner received but failed to reply to. Under Sections 118 and 139 of the N.I. Act, the statutory presumption lies heavily in favour of the cheque holder. The Petitioner's subjective apprehension does not warrant a transfer. As held by the Hon'ble High Court of Punjab and Haryana in *CRM-M-7260-2025 (Dinesh Chand Vs State of Haryana, dated 30.01.2026)* regarding Section 448 of B.N.S.S., the power of transfer is discretionary, must be exercised sparingly, and cannot be ordered based on mere apprehensions, surmises, or dissatisfaction with the trial court. The present petition is frivolous, lacks cogent evidence, and is liable to be dismissed with costs.

4. Both petition and counter are perused. Both side heard.

5. Point for determination.

Whether the complaint in S.T.C.No.718/2025 is to be withdrawn and transferred to any other competent court or not?

6. Answer

6.1. This court has given its thoughtful consideration to the rival submissions put forth by either side. The respondent herein has filed a private complaint for the offence u/s. 138 of N.I. Act and the same is pending on the file of the FTC-V Metropolitan Magistrate Court, Saidapet, Chennai S.T.C.No. 718/2025. The grounds raised by the learned counsel for the petitioner is that the learned presiding officer of FTC-V have disposed of large number of cases by way of conviction except the cases ended in settlement and cases involved time barred debt. The learned counsel for the petitioner also filed list of judgments pronounced by the learned presiding officer of FTC-V to substantiate his claim.

6.2. The learned respondent contended that offence u/s.138 of N.I. Act are to be tried by way of summary trial and the presumption of legally enforceable debt is in favour of the complainant. Therefore, there is no surprise in most of the cases ended up in conviction. Merely because large number of cases are ended up in conviction, the same cannot be a ground for transfer. It is true that merely because large number of cases ended up in conviction it cannot be a ground for transfer. But at the same time, it has to be borne in mind that the judges should be free from all bias including implicit bias. In an ideal situation the judges to be impartial and to render decisions unbiased. Though the judges are to be neutral and unbiased and to dispose of the cases in impartial manner, in the legal field it is often considered some judges are acquittal type and some judges are conviction type. Likewise there are certain classes like tenant judge, landlord judge, labour judge, Management Judge etc. The said

reality cannot be lost sight off. In this case, even the case ended in conviction on merits, the petitioner may think that the said conviction is purely not on merits but due to the nature of the judge. Even the slightest doubt in the mind of the litigant that he may not receive justice would erode the faith in the criminal justice system which we cannot afford.

6.3. In this case, the petitioner has made it very clear that he has not levelled any allegations against the Judicial Officer but his only apprehension is that his case may also ended up in conviction as like other cases. It is also settled position of law that justice is not only to be done but it is seen to be done. To uphold the said cherished principle, this court is of the considered view that the case in S.T.C.No. 718/2025 on the file of the FTC-V Metropolitan Magistrate Court, Saidapet, Chennai is withdrawn and transferred to FTC-III Metropolitan Magistrate Court, Saidapet, Chennai. The learned FTC-III Metropolitan Magistrate is directed to the dispose of the case in S.T.C.No. 718/2025 expeditiously as possible not less than three months from the date of receipt of records. Accordingly, this petition is allowed.

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

Principal Sessions Judge.

Copy to :

1. The Metropolitan Magistrate, FTC-III, Saidapet, Chennai.
2. The Metropolitan Magistrate, FTC-V, Saidapet, Chennai.