

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 14TH DAY OF OCTOBER 2015/22ND ASWINA, 1937

Tr.P(Crl.).No. 11 of 2015 ()

MC 3/2011 of JUDICIAL FIRST CLASS MAGISTRATE COURT-II(MOBILE),ALAPPUZHA

PETITIONER/PETITIONER IN M.C. NO. 3/2011 :

**SANUJA, AGED 30 YEARS,
W/O.ABDUL KHADER, CHITRALAYAM HOUSE,
VALIYAKULAM WARD, NEAR POST OFFICE, ALAPPUZHA,
NOW RESIDING AT ROBIN VILLA, MANTHAPADAM ROAD,
UNICHIRA, CHANGAMPUZHA NAGAR P.O., THRIKKAKARA
ERNAKULAM**

BY ADV. SRI.VARGHESE C.KURIAKOSE

RESPONDENTS :

- 1. ABDUL KHADER @ SHANAVAS,
S/O. ABOOBACKER, CHERUPARAMBIL,
KUTTAMASSERY KARA, ALUVA, THOTTUMUGHAM P.O.,
ALUVA TALUK, ERNAKULAM - 603309**
- 2. SAINABA, D/O. ABOOBACKER,AGED 38 YEARS,
CHERUPARAMBIL, KUTTAMASSERY KARA,
ALUVA, THOTTUMUGHAM P.O., ALUVA TALUK
ERNAKULAM**
- 3. RUKIYA, AGED 57 YEARS, M/O.ABDUL KHADER.
CHERUPARAMBIL, KUTTAMASSERY KARA,
ALUVA, THOTTUMUGHAM P.O., ALUVA TALUK,
ERNAKULAM**
- 4. ABOOBACKER, F/O.ABDUL KHADER,AGED ABOUT 62 YEARS,
CHERUPARAMBIL, KUTTAMASSERY KARA, ALUVA,
THOTTUMUGHAM P.O., ALUVA TALUK, ERNAKULAM**
- 5. ASHARAF, S/O.ABOOBACKER,
CHERUPARAMBIL, KUTTAMASSERY KARA, ALUVA,
THOTTUMUGHAM P.O., ALUVA TALUK, ERNAKULAM**
- 6. STATE OF KERALA
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-683309**

R1 BY ADV. SRI.E.D.GEORGE

R6 BY PUBLIC PROSECUTOR SMT.P. MAYA

**THIS TRANSFER PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD
ON 14-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Tr.P(Crl.).No. 11 of 2015 ()

APPENDIX

PETITIONER'S ANNEXURES :

ANNEXURE I: COPY OF MC NO. 3/2011BEFORE JUDICIAL FIRST CLASS MAGISTRATE COURT, ALAPPUZHA

ANNEXURE 2: COPY OF STATEMENT OF OBJECTION FILED BY THE RESPONDENT IN MC NO. 3/2011 BEFORE JUDICIAL FIRST CLASS COURT - II, ALAPPUZHA

ANNEXURE 3: COPY OF JUDGMENT DT 26/10/2013 IN CRL. APPEAL NO. 7/12.

ANNEXURE 4: COPY OF CHARGE SHEET IN CC N. 114/2011.

RESPONDENT'S ANNEXURES : NIL.

//TRUE COPY//

P.A.TO JUDGE

bp

B. KEMAL PASHA, J.

.....
Tr.P.(Crl.) No.11 of 2015 B
.....

Dated this the 14th day of October, 2015

ORDER

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Petitioner seeks for the transfer of MC.3/2011 filed by her before the Judicial First Class Magistrate's Court-II, Alappuzha under Section 12 of the Protection of Women from Domestic Violence Act, 2005, to the Judicial First Class Magistrate's Court-I, Aluva. Presently, the petitioner is residing within the jurisdiction of the Judicial First Class Magistrate's Court-I, Aluva.

2. The respondents are also residing within the jurisdiction of the Judicial First Class Magistrate's Court-I, Aluva. Apart from that, the respondents have not forwarded any objection in effecting a transfer as prayed for. This Court is satisfied that it is just and convenient in the interest of justice to transfer MC.3/2011 of the Judicial First Class Magistrate's Court-II, Alappuzha to the Judicial First Class

Magistrate's Court-I, Aluva.

In the result, this Tr.P.(Crl.) is allowed and MC.3/2011 of the Judicial First Class Magistrate's Court-II, Alappuzha is ordered to be transferred to the Judicial First Class Magistrate's Court-I, Aluva.

Sd/-  
**(B.KEMAL PASHA, JUDGE)**

aks/14/10

*// True Copy //*

*PA to Judge*