

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 25TH DAY OF SEPTEMBER 2015/3RD ASWINA, 1937

Tr.P(CrI.).No. 13 of 2015 ()

**CC 353/2013 of JUDICIAL FIRST CLASS MAGISTRATE COURT - IV
THIRUVANANTHAPURAM**

PETITIONER/PETITIONER :

**M. RAJENDRAN NAIR,
RADHAMANDIRAM, MANNATHUKAVU, MURAMEL,
POTHENCODE, THIRUVANANTHAPURAM.**

BY ADV. SRI.G.SUDHEER

RESPONDENTS/CR.PETITIONERS :

- 1. ANIL LAL
PUTHENVILA VEEDU, POONTHI ROAD, MEDICAL COLLEGE P.O.
THIRUVANANTHAPURAM-695 001.**
- 2. SARASWATHI AMMA
D/O. GOURIKUTTY AMMA, REMA BHAVAN, KACHANI
KARAKULAM P.O., THIRUVANANTHAPURAM-695 001.**
- 3. KRISHNAN NAIR N.
MOOZHIYIL ATTARIKATHU VEEDU, CHEKKEKONAM P.O.
KARAKULAM, THIRUVANANTHAPURAM-695 001.**
- 4. RIFAYUDHEEN S.
ENPCODE NO.141432, MATER WORK ATTENDANT
WORKSHOP SECTION, PEG KELTRON, EQUIPMENT COMPLEX
KARAKULAM P.O., THIRUVANANTHAPURAM-695 001.**
- 5. SURESHKUMAR
S/O. MADHAVAN, RADHAMANDIRAM, MUROMEL
NANNATTUKAVU, POTHENCODE, THIRUVANANTHAPURAM-695 001.**
- 6. SOMASEKHARAN NAIR B.
'AATHIRA', ENIKKARA, KARAKULAM P.O.
THIRUVANANTHAPURAM-695 001.**
- 7. V.SUKUMARAN NAIR
SYAMALALAYAM, NELLIVILA, H.S.ROAD
KARAKULAM P.O., THIRUVANANTHAPURAM-695 001.**

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8. S.PRASANNAKUMAR
PRASANTH BHAVAN, ALUMMOODU, ANACHAL P.O.
KULATHUMMAL VILLAGE, KATTAKADA.

R3 BY ADV. SRI.S.MOHAMMED AL RAFI

R4 BY ADV. SRI.THIRUMALA P.K.MANI

R6 & 7 BY ADV. SRI.R.SUNIL KUMAR

BY ADV. SMT.A.SALINI LAL

R8 BY ADV. SRI.S.V.PREMAKUMARAN NAIR

BY ADV. SRI.R.T.PRADEEP

THIS TRANSFER PETITION (CRIMINAL) HAVING COME UP FOR
ADMISSION ON 25-09-2015, THE COURT ON THE SAME DAY PASSED
THE FOLLOWING:

bp

APPENDIX

PETITIONER'S ANNEXURES :

- ANNEXURE-A:** COPY OF THE COMPLAINT IN CC NO. 309/2013 ORIGINALLY FILED BEFORE THE CHIEF JUDICIAL MAGISTRATE COURT, THIRUVANANTHAPURAM DT 23/7/2013 TRANSFERRED TO AND PENDING BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT-IV, THIRUVANANTHAPURAM.
- ANNEXURE B:** COPY OF THE COMPLAINT IN CC NO. 353/2013 ORIGINALLY FILED BEFORE THE CHIEF JUDICIAL MAGISTRATE COURT, THIRUVANANTHAPURAM DT 21/8/2013 TRANSFERRED TO AND PENDING BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT-IV, THIRUVANANTHAPURAM.
- ANNEXURE C:** COPY OF THE COMPLAINANT IN ST NO. 267/2013 ORIGINALLY FILED BEFORE THE CHIEF JUDICIAL MAGISTRATE COURT, THIRUVANANTHAPURAM DT 4/6/2013 TRANSFERRED TO AND PENDING BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT - IV THIRUVANANTHAPURAM.
- ANNEXURE D:** COPY OF THE COMPLAINT IN ST NO. 34/2014 BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT -IV, NEDUMANGAD DT 24/8/2013.
- ANNEXURE E:** COPY OF THE COMPLAINT IN CC NO. 64/2014 DT 11/4/2013 BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT - IV, NADUMANGAD.
- ANNEXURE F:** COPY OF THE COMPLAINANT IN ST NO. 248/2013 ORIGINALLY FILED BEFORE THE CHIEF JUDICIAL MAGISTRATE COURT, THIRUVANANTHAPURAM DT 13/8/2013 NOW PENDING BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT- V, THIRUVANANTHAPURAM.
- ANNEXURE G:** COPY OF THE COMPLAINT IN ST NO. 249/2013 ORIGINALLY FILED BEFORE THE CHIEF JUDICIAL MAGISTRATE COURT, THIRUVANANTHAPURAM DT 13/8/2013 NOW PENDING BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT - V, THIRUVANANTHAPURAM.
- ANNEXURE H:** COPY OF THE COMPLAINANT IN CC NO. 216/2013 ORIGINALLY FILED BEFORE THE CHIEF JUDICIAL MAGISTRATE COURT, THIRUVANANTHAPURAM DT 4/6/2013 TRANSFERRED TO AND PENDING BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT -V, THIRUVANANTHAPURAM.
- ANNEXURE I:** COPY OF ORDER DT 15/12/2014 IN CRL.M.P. (TP) NO. 2572/2014 PASSED BY THE SESSIONS COURT, THIRUVANANTHAPURAM.

RESPONDENT'S ANNEXURES : NIL.

//TRUE COPY//

P.A.TO JUDGE

bp

B. KEMAL PASHA, J.

.....
Tr.P.(Crl) No.13 of 2015
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Dated this the 25th day of September, 2015

ORDER

The petitioner is the sole accused in C.C.No.309/2013, C.C.No.353/2013 and S.T.No.267/13 of the Judicial First Class Magistrate's Court-IV, Thiruvananthapuram. He is the sole accused in S.T.No.34/2014 and C.C.No.64/2014 of the Judicial First Class Magistrate's Court-IV, Nedumangad. Further, the petitioner is the sole accused in S.T.No.248/2013, S.T.No.249/13 and C.C.No.216/13 pending before the Judicial First Class Magistrate's Court-V, Thiruvananthapuram. All the cases are private complaints alleging offence punishable under Section 138 of the N.I. Act.

2. The request of the petitioner is that all the cases may be transferred to any one of the courts so that he can defend all those cases properly.

3. All the contesting respondents have entered appearance. The complainants in all those cases are hailing from different places. It will not be just and convenient in the interest of justice to transfer all the said cases to one court at the convenience of the petitioner.

4. On hearing either side, this Court is of the view that it is not just and convenient in the interest of justice to grant a transfer as prayed for. Matters being so, this Transfer Petition is devoid of merits, and is only to be dismissed, and I do so.

In the result, this Tr.P.(Crl) is dismissed.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge