

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 1ST DAY OF SEPTEMBER 2015/10TH BHADRA, 1937

Tr.P(Crl.).No. 20 of 2015

TO TRANSFER C.C.NO.518 OF 2014 (THIRUVANANTHAPURAM RAILWAY POLICE
STATION CRIME NO.76 OF 2014), OF CHIEF JUDICIAL FIRST CLASS
MAGISTRATE'S COURT, THIRUVANANTHAPURAM TO THE CHIEF JUDICIAL FIRST
CLASS MAGISTRATE COURT MAGISTRATE'S COURT, KOTTAYAM OR
ERNAKULAM

PETITIONER(S) :

1. T.JAMES, AGED 45 YEARS,
S/O.C.K.TANKACHAN, CONSTABLE,
RAILWAY PROTECTION FORCE SOUTHERN RAILWAY,
ERNAKULAM TOWN RAILWAY STATION, PERMANENT ADDRESS :
KOYICKANATHU HOUSE, THIRUVANVANDUR P.O., (VIA) THIRUVALLA,
ALLEPPEY DISTRICT, PIN- 689 109.
2. H.VINOD, AGED 41 YEARS,
S/O.HARIHARAN, HEAD CONSTABLE,
RAILWAY PROTECTION FORCE SOUTHERN RAILWAY,
TRIVANDRUM CENTRAL,
PERMANENT ADDRESS : HARIVARAM HOUSE, NEMOM P.O.,
THIRUVANANTHAPURAM DISTRICT, PIN- 695 020.
3. RAJESHKUMAR S., AGED 39 YEARS,
S/O.SUBRAMANYA PILLAI, CONSTABLE,
RAILWAY PROTECTION FORCE SOUTHERN RAILWAY,
TRIVANDRUM CENTRAL RAILWAY STATION,
PERMANENT ADDRESS : RAJESH BHAVAN, PALODE,
PERUNGAMALA P.O., NEDUMANGAD T.K.,
THIRUVANANTHAPURAM DISTRICT, PIN- 695 563.
4. R.S.RAJESH, AGED 43 YEARS,
S/O.RAMESAN G., INSPECTOR,
RAILWAY PROTECTION FORCE SOUTHERN RAILWAY,
TRIVANDRUM CENTRAL RAILWAY STATION,
PERMANENT ADDRESS : RANI BHAVAN, THANCHANKONAM,
VARKALA P.O., THIRUVANANTHAPURAM DISTRICT, PIN- 695 141.

BY ADVS.SRI.T.C.GOVINDA SWAMY
SMT.T.N.SREEKALA

Tr.P(Crl.).No. 20 of 2015

RESPONDENT(S) :

1. STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, KOCHI - 682 011.
2. SRI.RAKENDU,
S/O.KRISHNAN POTTI, NO.TC 8/1415,
SREE KRISHNAVILASAM PUTHEN MADATHIL, VETTAMUKKU,
VALIYAVILA WARD, THIRUMALA VILLAGE,
THIRUVANANTHAPURAM - 695 012.
3. SRI.KRISHNENDU,
S/O.KRISHNAN POTTI, NO.TC 8/1415,
SREE KRISHNAVILASAM PUTHEN MADATHIL, VETTAMUKKU,
VALIYAVILA WARD, THIRUMALA VILLAGE,
THIRUVANANTHAPURAM - 695 012.

R1 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE
R2 & R3 BY ADV. SRI.AYYAPPAN SANKAR

THIS TRANSFER PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD
ON 01-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

- ANNEXURE A:** A TRUE COPY OF NEWSPAPER REPORTS PUBLISHED IN THE LEADING DAILIES ON 05.03.2014.
- ANNEXURE B:** A TRUE COPY OF FINAL REPORT SUBMITTED ON 20.08.2014 IN F.I.R.NO.76/2014.
- ANNEXURE C:** A TRUE COPY OF SUMMONS ISSUED TO THE PETITIONERS.
- ANNEXURE D:** A TRUE COPY OF COMMUNICATION FROM THE SUB INSPECTOR OF POLICE, POOJAPPURA POLICE STATION ADDRESSED TO THE INSPECTOR, RPF, THIRUVANANTHAPURAM CENTRAL BEARING NO.116/GL/B2-14 DATED 07.03.2014.

RESPONDENT(S)' ANNEXURES :

- ANNEXURE R2(A):** TRUE PHOTOCOPY OF THE DISCHARGE SUMMARY ISSUED FROM MEDICAL COLLEGE HOSPITAL, THIRUVANANTHAPURAM FOR THE TREATMENT FROM 05.03.2014 TO 24.03.2014.
- ANNEXURE R2(B):** TRUE PHOTOCOPIES OF OUT-PATIENT RECORDS ISSUED ON VARIOUS DATES FROM 06.04.2014 TO 23.12.2014 FROM MEDICAL COLLEGE HOSPITAL, THIRUVANANTHAPURAM.
- ANNEXURE R2(C):** TRUE PHOTOCOPY OF THE DISABILITY CERTIFICATE NO.822/2007 DATED 10.04.2007 ISSUED BY THE DULY CONSTITUTED MEDICAL BOARD OF MEDICAL COLLEGE HOSPITAL, THIRUVANANTHAPURAM.

//TRUE COPY//

PA.TO JUDGE.

Msd.

B. KEMAL PASHA, J.

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Tr.P.(Crl) No. 20 of 2015
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Dated this the 1st day of September, 2015

ORDER

Petitioners are A1 to A4 in C.C.No.518 of 2014 pending before the Chief Judicial Magistrate's Court, Thiruvananthapuram for the offences punishable under Sections 341, 323, 294, 324 and Section 34 IPC. It was an incident wherein an advocate was involved. Subsequently, when the RPF personnel had to appear before the Court at Vanchiyoor, there occurred a clash between a group of lawyers and the RPF personnel, which had invited some untoward incidents. The apprehension forwarded by the petitioners is that in case they have to appear at the very same court premises again, there is every possibility of

further untoward incidents.

2. Heard the learned counsel for the petitioners, the learned counsel for respondents 2 and 3 and the learned Public Prosecutor.

3. On hearing either side and on a perusal of the records produced along with this Transfer Petition, it seems that the apprehension forwarded by the petitioners is not out of place and it seems to be reasonable. The investigating officer has also reported the possibility of further untoward incidents, if the case is not transferred from the court below. Matters being so, this Court is satisfied that it is just and convenient in the interest of justice to transfer C.C. No.518 of 2014 pending before the Chief Judicial Magistrate's Court, Thiruvananthapuram, to the Chief Judicial Magistrate's Court, Kollam.

In the result, this Transfer Petition is allowed and C.C. No.518 of 2014 pending before the Chief Judicial Magistrate's Court, Thiruvananthapuram is transferred to the

Chief Judicial Magistrate's Court, Kollam. The learned Chief Judicial Magistrate, Thiruvananthapuram is directed to transmit the entire case records to the Chief Judicial Magistrate's Court, Kollam, at the earliest.

Sd/- B.KEMAL PASHA, JUDGE

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[True copy]

P.S. to Judge