

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 18TH DAY OF FEBRUARY 2015/29TH MAGHA, 1936

Tr.P(Crl.).No. 21 of 2015 ()

AGAINST ST 967/2011 OF JUDICIAL FIRST CLASS MAGISTRATE COURT -I,
VAIKOM

PETITIONER(S):

MIDHUN GOPI
THRIVENI HOUSE, PANAVALLY P.O., CHERTHALS TALUK
ALAPPUZHA DISTRICT.

BY ADV. SRI.B.PRAMOD

RESPONDENT(S):

1. K.VINOD KUMAR
S/O. KARITHIKEYAN, VINOD BHAVAN, VADAYAR P.O.
VAIKOM TALUK, KOTTAYAM DISTRICT.

2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

R2 BY PUBLIC PROSECUTOR SMT.P.MAYA

THIS TRANSFER PETITION (CRIMINAL) HAVING COME UP FOR
ADMISSION ON 18-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

Tr.P(Crl.).No. 21 of 2015

APPENDIX

PETITIONER'S EXHIBITS:

ANNEXURE – I: TRUE COPY OF THE COMPLAINT IN ST. NO.967 OF 2011
NOW PENDING AS LP NO.46 OF 2012 ON THE FILE OF THE J.F.C.M. COURT,
VAIKOM.

RESPONDENTS EXHITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.

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**Tr.P (Crl) No.21 of 2015**

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Dated this the 18th February, 2015

ORDER

The petitioner herein is the accused in S.T No.967 of 2011 of the Judicial First Class Magistrate's Court, Vaikom. The case now stands transferred to the register of long pending cases as L.P.46 of 2012. The petitioner seeks transfer of the said case to the Court of Additional Chief Judicial Magistrate's (Economic Offence), Ernakulam on the ground that the Court at Vaikom has no territorial jurisdiction in view of the position recently settled by the Hon'ble Supreme Court. Transfer is not the remedy in the said circumstance. It appears that the petitioner seeks transfer as a short-cut because warrant of arrest is now pending against him in the L.P. proceeding before the learned Magistrate. If he is confident and if he believes, that the Court at Vaikom has no territorial jurisdiction to entertain the complaint, he can very well make an application before the learned Magistrate to return the complaint. If that court has no jurisdiction, it will definitely

be returned for presentation before the proper court.

With the above observations, this petition is closed.

**Sd/-
P.UBAID
JUDGE**

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/True copy/

P.S to Judge