

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 26TH DAY OF OCTOBER 2015/4TH KARTHIKA, 1937

Tr.P(Crl.).No. 59 of 2015

TO TRANSFER C.M.P.NO.4464 OF 2014 OF THE CHIEF JUDICIAL MAGISTRATE COURT, ERNAKULAM TO THE CHIEF JUDICIAL MAGISTRATE COURT, THRISSUR

PETITIONER(S) :

**ADV.SREELAKSHMY.S, AGED 41 YEARS,
D/O.DR.SETHUMADHAVAN, RESIDING AT KUNNAMPIILY,
M.G.ROAD, ERNAKULAM-682 016.**

BY ADV. SRI.S.K.PREMRAJ

RESPONDENT(S) :

- 1. DR. V.K.PRASANTH, AGED 44 YEARS,
S/O.LATE R.K.K.NAIR, C/O.MEDICO CLINIC, P.O. BOX 3892,
NAIF ROAD, DEIRA, DUBAI, UNITED ARAB EMIRATES.**
- 2. DR.RAM PRADEEP, AGED ABOUT 54 YEARS, S/O LATE R.K.K.NAIR
KRISHNA'S SKIN COSMETOLOGY & MEDICAL CENTRE, #1,
BALAIAH AVENUE, OFF LUZ CHURCH ROAD, MYLAPORE
CHENNAI, PIN- 600 004.**
- 3. DR.VIDYA, AGED ABOUT 51 YEARS, W/O.DR.RAM PRADEEP,
KRISHNA'S SKIN COSMETOLOGY & MEDICAL CENTRE, #1,
BALAIAH AVENUE, OFF LUZ CHURCH ROAD, MYLAPORE,
CHENNAI, PIN- 600 004.**
- 4. STATE OF KERALA, REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN- 682 031.**

R1 BY ADVS. SRI.C.S.DIAS

SRI.N.K.SUBRAMANIAN

SMT.B.BINDU

R2 & R3 BY SRI.M.RAMESH CHANDER (SENIOR ADVOCATE)

ADVS. SRI.ANEESH JOSEPH

SMT.DENNIS VARGHESE

R4 BY PUBLIC PROSECUTOR SMT.MAYA

**THIS TRANSFER PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD
ON 26-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

ANNEXURE A1: TRUE COPY OF THE COMPLAINT IN C.M.P.NO.4464 OF 2014 ON THE FILES OF THE CHIEF JUDICIAL MAGISTRATE COURT, ERNAKULAM.

ANNEXURE A2: THE PHOTOCOPY OF THE ORDER DATED 28.11.2014 IN B.A.NO.8497 OF 2014 ON THE FILES OF THIS HON'BLE COURT.

RESPONDENT(S)' ANNEXURES :

ANNEXURE R1(A): TRUE COPY OF ORDER IN C.M.P.NO.4483 OF 2014 IN M.C.NO.19 OF 2014 OF THE CHIEF JUDICIAL MAGISTRATE COURT, ERNAKULAM DATED 09.10.2014.

ANNEXURE R1(B): TRUE COPY OF ORDER IN C.M.P.NO.4484 OF 2014 IN M.C.NO.19 OF 2014 OF THE CHIEF JUDICIAL MAGISTRATE COURT, ERNAKULAM DATED 09.10.2014.

//TRUE COPY//

P.S.TO JUDGE.

Msd.

B. KEMAL PASHA, J.

.....
Tr.P.(Crl) No.59 of 2015

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Dated this the 26th day of October, 2015

ORDER

The petitioner is seeking the transfer of CMP No.4464/2014 of the Chief Judicial Magistrate's Court, Ernakulam. It is a private complaint filed by the petitioner and the offences alleged are under Sections 109, 120-B, 323, 352, 498-A, 506(ii) and 509 IPC. The sworn statement in the matter has not been recorded so far. The request for transfer of the matter is premature as cognizance has not been taken. With opportunity to the petitioner to move this Court at appropriate stage, this Transfer Petition is disposed of.

2. The learned counsel for the petitioner has

forwarded the request to have the sworn statement of the petitioner recorded *in camera*. It is appropriate on the part of the petitioner to approach the learned Chief Judicial Magistrate, Ernakulam with the said request. In such a case, the learned Chief Judicial Magistrate's Court, Ernakulam shall pass appropriate orders.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge