

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 9TH DAY OF DECEMBER 2015/18TH AGRAHAYANA, 1937

Tr.P(Crl.).No. 69 of 2015

CC 1653/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT - II, CHERTHALA
.....

PETITIONER(S):

1. NUBLA, AGED 25 YEARS,
D/O. NOORJAHAN, KATTILPARAMBATH HOUSE, P.O.PARAMBIL,
KURUVATTOOR DESOM, CHERUVATTA, KOZHIKODE - 673 001.
2. NOORJAHAN,
W/O. LATHEEF, KATTILPARAMBATH OUSE, P.O.PRAMBIL,
KURUVATTOOR DESOM, CHERUVATTA, KOZHIKODE - 673 001.

BY ADV. SRI.NIRMAL. S

RESPONDENT(S):

1. NABEESA, AGED 67 YEARS,
W/O. ABDUL RAHMAN, MANAMKURICHI VEEDU, PANAVALLY,
PANAVALLY PANCHAYATH, WARD 16, PANAVALLY P.O.,
CHERTHALA, ALAPPUZHA - 688 566.
2. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM - 682 031.

R1 BY ADVS. SRI.T.H.ABDUL AZEEZ

SRI.K.P.MAJEED

R2 BY PUBLIC PROSECUTOR SMT.MAYA

**THIS TRANSFER PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON
09-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

Tr.P(Crl.).No. 69 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES:

ANNEXURE A1: TRUE COPY OF THE SUMMONS ISSUED TO THE 1ST PETITIONER.

ANNEXURE A2: TRUE COPY OF THE SUMMONS ISSUED TO THE 2ND PETITIONER.

ANNEXURE A3: TRUE COPY OF THE CMP 356/2014.

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

B. KEMAL PASHA, J.

.....
Tr.P.(Crl.) No.69 of 2015
.....

Dated this the 9th day of December, 2015

ORDER

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Heard learned counsel for the petitioners.

2. The petitioners are the accused in CC No.1653/2014 of the Judicial First Class Magistrate's Court-II, Cherthala. The said case is as a result of a private complaint filed by the 1<sup>st</sup> respondent herein as complainant. The 1<sup>st</sup> respondent is none other than the mother-in-law of the 1<sup>st</sup> petitioner herein. The 2<sup>nd</sup> petitioner is the mother of the 1<sup>st</sup> petitioner.

3. On hearing the submissions of the learned counsel for the petitioners as well as the learned counsel for the 1<sup>st</sup> respondent, and on a perusal of the records, it has come out that there is every reason to suspect that the complaint is filed just as a retaliatory measure for wreaking vengeance. The petitioners are the residents of Kozhikode.

It seems that the 1<sup>st</sup> respondent wants to see them brought to Cherthala for settling scores.

4. On hearing either side, this Court is satisfied that it is just and convenient in the interest of justice to transfer the case to one of the Judicial First Class Magistrate's Courts at Kozhikode.

In the result, this Tr.P.(Crl.) is allowed. CC No.1653/2014 of the Judicial First Class Magistrate's Court-II, Cherthala is transferred to the Chief Judicial Magistrate's Court, Kozhikode. The learned Chief Judicial Magistrate, Kozhikode, on getting the case, can make over the case to any of the Judicial First Class Magistrate's Courts at Kozhikode.

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

aks/09/12

*// True Copy //*

*PA to Judge*