

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 4TH DAY OF NOVEMBER 2015/13TH KARTHIKA, 1937

Tr.P(Crl.).No. 74 of 2015

CC 2284/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, THALASSERY

PETITIONER(S):

1. SHABU A.H., AGED 42 YEARS,
S/O. A.M.HYDROSE, ALLEDATH HOUSE, TOLL GATE,
EDAPPALLY, KOCHI - 682 024.
2. A.M.HYDROSE, AGED 70 YEARS,
S/O. MEETHIYAN, ALEDATH HOUSE, TOLL GATE,
EDAPPALLY, KOCHI - 682 024.
3. SUHRA M.M, AGED 66 YEARS,
W/O. A.M.HYDROSE, ALEDATH HOUSE, TOLL GATE,
EDAPPALLY, KOCHI - 682 024.
4. SHEEBA MUNEER, AGED 40 YEARS,
W/O. MUNEER, BEEMAS, MATTUMMAL ROAD,
THAIKKATTUKARA, ALUVA, ERNAKULAM DISTRICT.

BY ADV. SMT.J.SHEEBA MARIAM

RESPONDENT(S):

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.
2. BEENA, AGED 32 YEARS,
W/O. SHABU A.H., BEENAS, PERINGADI P.O.,
NEW MAHE, THALASSERY - 673 312.

R1 BY PUBLIC PROSECUTOR SMT.SAREENA
R2 BY ADV. SRI.M.SASINDRAN

**THIS TRANSFER PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION
ON 04-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' ANNEXURES

ANNEXURE 1- TRUE COPY OF THE FIR NO.66/15 OF NEW MAHE POLICE STATION

ANNEXURE 2- TRUE COPY OF CHARGE IN CC.2284/15 OF JFMC THALASSERY.

**ANNEXURE 3- TRUE COPY OF THE MEDICAL CERTIFICATE DATED 23/2/15 3RD
PETITIONER IS PRODUCED HERE WITH AND MARKED FOR
REFERENCE**

**ANNEXURE 4- TRUE COPY OF THE DISCHARGE SUMMARY DATED 18/4/15 OF 2ND
PETITIONER IS PRODUCED HERE WITH AND MARKED FOR
REFERENCE**

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

B. KEMAL PASHA, J.

.....
Tr.P.(Crl) No. 74 of 2015
.....

Dated this the 4th day of November, 2015

ORDER

Heard the learned counsel for the petitioners and the learned counsel for the 2nd respondent.

2. Petitioners are the accused in C.C.No.2284/15 of the Judicial First Class Magistrate's Court, Thalassery. In order to attend the said court, the petitioners have to travel on the previous day to the date of posting.

3. On hearing the submissions of the learned counsel for the petitioners as well as the 2nd respondent, and on considering the facts and circumstances of the case, this Court is of the view that the case can be transferred to the Chief Judicial Magistrate's Court, Kozhikode, so that the

petitioners can reach the court on the same day for attending the case. Therefore, it is just and convenient in the interest of justice to effect a transfer like that.

In the result, this Transfer Petition is allowed in part and C.C.No.2284/15 pending before the Judicial First Class Magistrate's Court, Thalassery is transferred to the Chief Judicial Magistrate's Court, Kozhikode. As far as practicable, the court below shall grant exemption to the petitioners from appearing in the said case, and their presence shall be insisted on the posting dates on which their presence is actually required for the trial.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge