

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 23RD DAY OF FEBRUARY 2015/4TH PHALGUNA, 1936

Tr.P(Crl.).No. 40 of 2014 ()

IN CP 147/2013 of JUDICIAL FIRST CLASS MAGISTRATE COURT, HARIPAD

PETITIONER(S)/PETITIONER/1ST ACCUSED:

**VIJOY AGED 24 YEARS
S/O VIJAYAN NAIR, V.V. NIVAS, THACHOORKUNNU
AVANAVANCHERY P.O., ATTINGAL, THIRUVANANTHAPURAM**

BY ADV. SRI.LATHEESH SEBASTIAN

RESPONDENT(S)/RESPONDENTS/COMPLAINANT/STATE:

- 1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM**
- 2. THE CIRCLE INSPECTOR OF POLICE,
KAYAMKULAM, ALAPPUZHA DISTRICT.**
- 3. ATHIRA ANAND, AGED 20 YEARS
D/O REMA, KARUKASSERIL HOUSE, PUTHIYAVILA
KANDALLUR, KAYAMKULAM, ALAPPUZHA DISTRICT.**

**R3 BY ADV. SRI.R.SUNIL KUMAR
R3 BY ADV. SMT.A.SALINI LAL
R1 BY PUBLIC PROSECUTOR SMT. S. HYMA**

**THIS TRANSFER PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION
ON 23-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONERS ANNEXURES:

- A1: TRUE COPY OF THE FIR IN CRIME NO.34/2013 OF KANAKAKKUNNU POLICE STATION**
- A2: TRUE COPY OF THE 161 STATEMENT OF THE 3RD RESPONDENT DATED 24.01.2013**
- A3: TRUE COPY OF THE ORDER OF JFMC – I, HARIPPAD DATED 24.01.2013**
- A4: TRUE COPY OF THE STATEMENT OF THE 3RD RESPONDENT BEFORE JFMC-I, HARIPPAD DATED 28.01.2013**
- A5: TRUE COPY OF THE STATEMENT OF THE 3RD RESPONDENT DATED 17.02.2013**
- A6: TRUE COPY OF THE FINAL REPORT IN CRIME NO.34/2013**
- A7: TRUE COPY OF THE ORDER OF THIS HONOURABLE COURT IN CRL.M.C NO.1989/2014 DATED 04.04.2014**

RESPONDENTS ANNEXURES: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Tr.P (Crl.) No. 40 of 2014

Dated this the 23rd day of February, 2015.

O R D E R

The petitioner herein is the first accused in C.P No.147 of 2013 of the Judicial First Class Magistrate Court – I, Harippad. He seeks transfer of the proceeding to the Judicial First Class Magistrate Court at Thiruvananthapuram on the ground of territorial jurisdiction. The case cannot be transferred on the ground of territorial jurisdiction at the committal stage. When it comes before the trial court, the aggrieved person can bring application for transfer, if it is sought on the ground of territorial jurisdiction to try the offence alleged. Anyway, now it is submitted that the case already stands committed to the Court of Session. If so, the petitioner's remedy is to file a proper application for transfer of the main proceeding. This transfer petition will have to be closed without prejudice to the right of the petitioner to file a proper petition. Accordingly, this transfer petition is closed.

P.UBAID,
JUDGE