

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 20TH DAY OF JANUARY 2015/30TH POUSHA, 1936

Tr.P(CrI.).No. 99 of 2014 ()

IN CC 3327/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT, KASARAGOD

PETITIONER(S)/ACCUSED:

- 1. KODOTH KESAVANKUTTY AGED 61 YEARS
S/O.LATE K.N.CHINDAN NAMBIAR, KOLENGADA HOUSE
CHERUTHAZHAM PO, MANDUR, PIN 670 501
KANNUR DISTRICT**
- 2. REMA.C.K AGED 51 YEARS
W/O.KODOTH KESAVANKUTTY KOLENGADA HOUSE
CHERUTHAZHAM PO, MANDUR, PIN 670 501
KANNUR DISTRICT**
- 3. VARUN.C.K AGED 26 YEARS
S/O..KODOTH KESAVANKUTTY, KOLENGADA HOUSE
CHERUTHAZHAM PO, MANDUR, PIN 670 501
KANNUR DISTRICT**
- 4. VEENA.C.K AGED 32 YEARS
D/O.REMA.C.K, KOLENGADA HOUSE, CHERUTHAZHAM PO
MANDUR, PIN 670 501, KANNUR DISTRICT**
- 5. SATHEESAN.C.K AGED 53 YEARS
S/O.LATE P.K.NARAYANAN NAIR, KOLENGADA HOUSE
CHERUTHAZHAM PO, MANDUR, PIN 670 501
KANNUR DISTRICT**
- 6. C.K.GOVINDANKUTTY,
S/O.LATE CHATHUKUTTY NAIR, NARATH , KARIMBAM PO NARATH
KANNUR DISTRICT, PIN 670 601.**

**BY ADVS.SRI.S.K.BALACHANDRAN
SRI.V.K.NANDAKUMARAN
SMT.N.D.DEEPA**

RESPONDENT(S):

**RAMAKRISHNAN P.K
S/O.KARICHERY, LAKSHMI AMMA, PUNDOOR HOUSE
PO NEKRAJE, VIA MULLERIA, PIN 671 543
KASARAGOD DISTRICT**

**BY ADV. SRI.T.B.SHAJIMON
BY ADV. SMT.GOVINDU PRENUKADEVI**

THIS TRANSFER PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION ON 20-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

APPENDIX

PETITIONERS ANNEXURES:

I- TRUE COPY OF THE CRL.M.C 6 OF 2014 WITH AFFIDAVIT ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT, PAYYANNUR

II TRUE COPY OF THE CERTIFICATE DATED 9.5.2014 ISSUED BY THE INSTITUTE OF ARTS, SCIENCE & ENGINEERING (IASSE) COLLEGE, OLD BUS STAND, PAYYANNUR, KASARGOD DISTRICT IN FAVOUR OF THE 1ST PETITIONER

III TRUE COPY OF THE ORDER DATED 18.11.2014 IN TRANSFER PETITION © NO.621/2014 OF THIS HON'BLE COURT

IV TRUE COPY OF THE SUMMONS ISSUED TO THE 1ST PETITIONER FROM THE COURT OF JUDICIAL FIRST CLASS MAGISTRATE – I, KASARGOD

RESPONDENTS ANNEXURES: NIL

TRUE COPY

PA TO JUDGE
sab

P.UBAID, J.

Tr.P.(Crl.) No.99 of 2014

Dated this the 22nd day of January, 2015.

O R D E R

The petitioners herein are the accused in C.C No.3327/2014 of the Judicial First Class Magistrate Court-I, Kasargod. They seek transfer of the said case to Judicial First Class Magistrate Court at Payyannur on the ground that if the case continues at Kasargod they will have to travel a long distance on all posting dates. Now it is submitted that another case between the same parties is now pending before the Family Court, Kasaragod, the camp sitting of which is periodically conducted at Hosdurg. This means that the parties will have to appear before the Family Court at Hosdurg. If so, transfer of the case to Hosdurg will not cause any prejudice or hardship to any of the parties. The respondent also does not have any serious objection to such a course, because transfer of the case to Hosdurg will not cause any inconvenience to him. Hosdurg is in fact midway between Kasargod and Payyannur. If the case is transferred to the court at Hosdurg, it would be convenient to both the parties to appear in court on posting dates, especially when another matter is now pending at Hosdurg. On hearing both sides

I find that transfer to the court at Hosdurg will be convenient to both the parties.

In the result, this petition is allowed. C.C No.3327/2014 pending before the Judicial first Class Magistrate Court - I, Kasargod will stand transferred to the Judicial First Class Magistrate Court-I, Hosdurg. The learned Judicial First Class Magistrate - I, Kasargod will transmit the records of C.C No. 3327/2014 without delay. Summons for appearance of the accused shall be issued from the court at Hosdurg on receipt of the records.

P.UBAID,
JUDGE

sab