

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937

Tr.P(Crl.).No. 115 of 2014 ()

AGAINST 432/2010 of J.M.F.C.-II, MANANTHAVADY

PETITIONER(S)/SOLE ACCUSED:

VASU AGED 71 YEARS
S/O. NARAYANAN, AMBATTUVAYAL HOUSE, VELLATHOOVAL AMSOM
DEVIKULAM TALUK, IDUKKI DISTRICT.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENT(S)/STATE OF KERALA AND THE COMPLAINANT:

1. THE STATE OF KERALA
REP. BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA AT ERNAKULAM - 682 031.
2. THE EXECUTIVE ENGINEER
KERALA STATE ELECTRICITY BOARD
INVESTIGATION DIVISION PADINJARATHARA
P.O THARIYODU NORTH, VAITHIRI TALUK, WAYNAD DISTRICT.

R2 BY ADV. SRI.K.M.SATHYANATHA MENON,SC,KSEB
R1 & R2 BY PUBLIC PROSECUTOR SMT.P.MAYA

THIS TRANSFER PETITION (CRIMINAL) HAVING COME UP FOR
ADMISSION ON 08-04-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

Tr.P(Crl.).No. 115 of 2014

APPENDIX

PETITIONER'S EXHIBITS:

ANNEXURE-I: TRUE COPY OF THE SERVICE OF THE PETITIONER DATED
4.2.1974

ANNEXURE-II: TRUE COPY OF THE ORDER OF THE LEARNED MAGISTRATE
IN C.C. NO.432 OF 2010 DATED 15.10.2014 ON THE FILE OF THE JFCM-II,
MANANTHAVADY

RESPONDENTS EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.

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**Tr.P (Crl) No.115 of 2014**

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Dated this the 8th April, 2015

ORDER

The petitioner herein is the sole accused in C.C No.432 of 2010 of the Judicial First Class Magistrate's Court-II, Mananthavady. He is a resident of Devikulam Taluk in Idukki District. He now seeks transfer of the case to some other Court in Idukki District, mainly on three grounds. The first ground is that he is a retired government employee now aged 70 years. He finds it difficult to travel all the way from Idukki to Mananthavady. The other ground is that the actual place where the alleged offence was committed is within the Idukki District, and the third ground is that the transfer from Mananthavady to Idukki will be convenient to all the parties. The request for transfer of the case is opposed by the other side.

2. On hearing both sides, I find that in the present situation where there is already an order by this Court to the court below to dispose of the case within a particular period of time, the case cannot be transferred from that court. That the

petitioner is a retired Government employee, or that pendency of the case will deny pensionary benefits to him, is not in fact a ground to transfer the case. The case will have such consequences, wherever the case is tried. As regards convenience, I find that a transfer as requested by the petitioner will be convenient to him alone. If it is transferred, all the witnesses will have to come from Mananthavady to Idukki. That is also not a ground for transfer. As regards the other ground, I find that the actual act of forgery was allegedly committed, and the forged document was used within the jurisdiction of the court at Mananthavady. There is already a direction by this Court to the trial court to dispose of the case within a time limit. When that direction stands, it is definite that the case will be disposed of, at the earliest. I find that a transfer as requested by the petitioner cannot be granted.

In the result, this petition is dismissed *in limine* without being admitted to files. If the petitioner makes application for exemption from personal appearance, it will be appropriately considered and decided by the learned Magistrate.

**SD/-
P.UBAID
JUDGE**

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