

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.06.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.14655 of 2015

and

M.P.No.1 of 2015

DPK.Nalavirumbi @ Balakrishnan ..Petitioner/Accused

Vs

The State by
The Deputy Superintendent of Police,
CBCID,
No.83, Visalachipuram 3rd Street,
Visvanathapuram, Madurai - 14. ..Respondent/Complainant
(Crime No.208/2011)

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., praying to direct withdrawal of C.C.No.1121 of 2012 from the file of the XI M.M., Saidapet, Chennai and to transfer the same to the file of Judicial Magistrate No.II, Virudhunagar, to try and hear along with C.C. No.86/2012 pending on the file of Judicial Magistrate No.II, Virudhunagar.

For Petitioner :Mr.S.Sathish Rajan

For Respondent :Mr.Mohamed Riyaz

Government Advocate (Criminal Side)

ORDER

This Criminal Original Petition has been filed praying to direct withdrawal of C.C.No.1121 of 2012 from the file of the XI M.M., Saidapet, Chennai and to transfer the same to the file of Judicial Magistrate No.II, Virudhunagar, to try and hear along with C.C. No.86/2012 pending on the file of Judicial Magistrate No.II, Virudhunagar.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent.

3. This application is for transfer of case. It is seen that initially a case in Crime No.2 of 2011 was registered by CBCID, Virudhunagar, against the petitioner and during the course of investigation, it came to light that this petitioner has cheated several persons in Virudhunagar as well as in Chennai, claiming that he is the Personal Assistant to the then Chief Minister. In respect of this FIR, two final reports have been filed, one in C.C.

No.86 of 2012 before the learned Judicial Magistrate II, Virudhunagar and another in C.C.No.1121 of 2012, before the learned XI Metropolitan Magistrate, Saidapet, Chennai.

4. Mr.Sathish Rajan, learned counsel for the petitioner, submits that since only one FIR has been registered and the investigating officer in both the cases is common, it will be in the interest of justice, if the case in C.C.No.1121 of 2012 on the file of the learned XI Metropolitan Magistrate, Saidapet, Chennai is transferred to the file of the learned Judicial Magistrate II, Virudhunagar. This Court is unable to accede to this submission, in the light of Section 177 Cr.P.C., which reads as follows:

177. Ordinary place of inquiry and trial :
Every offence shall ordinarily be inquired into
and tried by a Court within whose local jurisdiction
it was committed.

5. It is permissible to file several final reports under one FIR. In view of the Section 177 Cr.P.C., this petition is devoid of merits and hence dismissed. Connected MP.1 of 2015 is closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

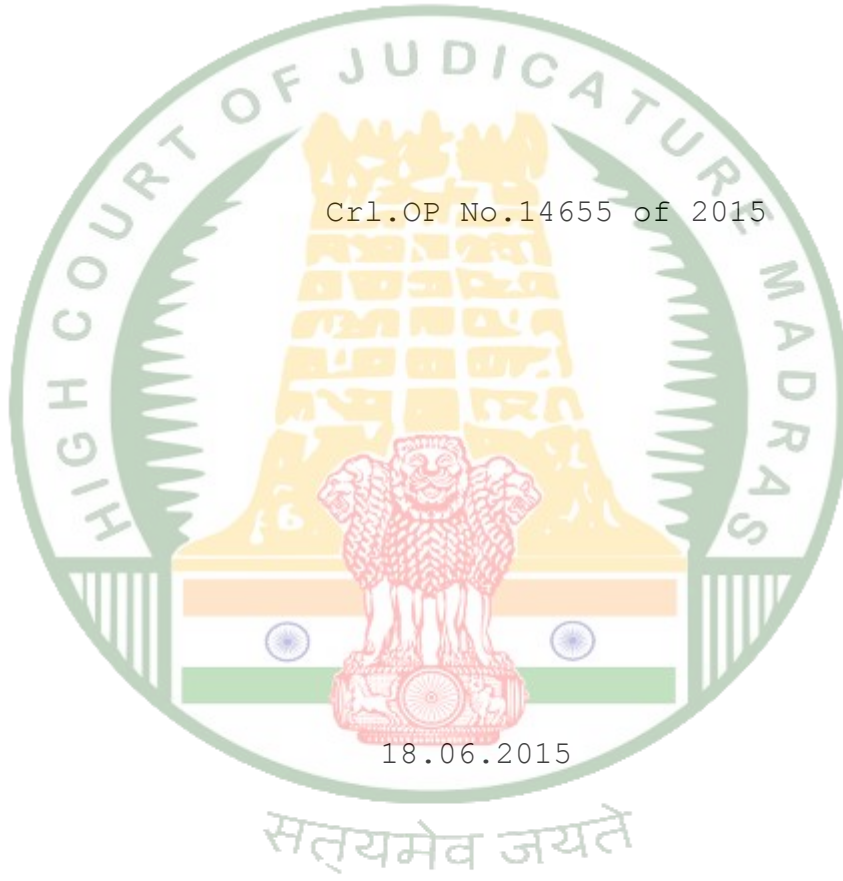
To

- 1.The XI Metropolitan Magistrate,Saidapet, chennai.
 - 2.The Judicial Magistrate, No.II, Virudhunagar.
 - 3.The Deputy Superintendent of Police,
CBCID,
No.83, Visalachipuram 3rd Street,
Visvanathapuram, Madurai - 14.
 4. The Public Prosecutor,
High Court, Madras.
- +1 cc to Mr.S.Sathish Rajan, Advocate,SR.29990.

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P.N.PRAKASH.J,

ds



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