

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 14.07.2015

Delivered on : 24.07.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.O.P.No.14707 of 2015
and M.P.No.1 of 2015

R.Thangavel ... Petitioner/Accused

Versus

State rep by
Inspector of Police,
Erode Taluk Police Station. ... Respondent/Complainant

Criminal Original petition filed under Section 407 of the Criminal Procedure Code praying to transfer the case in CC.No.1271 of 2006 pending before the Judicial Magistrate I, Erode, for trial to any other Magistrate Court.

For Petitioner : Mr.R.C.Paul Kanagaraj
For Respondent : Mr.C.Emalias, Addl. Public Prosecutor

O R D E R

This petition has been filed to transfer CC.No.1271 of 2006 on the file of the learned Judicial Magistrate I, Erode to any other Magistrate Court for trial.

2. Heard the learned counsel for the petitioner; the learned Additional Public Prosecutor appearing for the respondent and perused the materials placed on record.

3. It is the case of the petitioner that he is a social activist fighting for the protection of ground water in and around Erode District against factories that discharge untreated effluent. On 19.10.2004, the Tahsildar of Erode District conducted a search in the premises of the petitioner and found that he is manufacturing and bottling substandard mineral water in respect of which, a case in crime No.385 of 2004 under Section 420 IPC read with 78, 79 of Trade and Merchandise Act was registered against him. After completing the investigation, the respondent Police filed a Final Report, which was

taken on file as CC.No.1271 of 2006 by the learned Judicial Magistrate I, Erode and is pending trial.

4. In this transfer application, the petitioner has made personal allegations against the learned Judicial Magistrate I, Erode alleging that the learned Magistrate had contacted him and had asked him for a caravan vehicle to drop his relatives from Erode to Kanyakumari. According to the petitioner, he did not oblige the learned Magistrate and therefore, at the instance of the learned Magistrate, the respondent Police foisted another case in Crime No.30 of 2015 on 29.01.2015 and the petitioner was remanded to custody by the same Magistrate who dismissed his bail application twice.

5. The respondent Police have filed a counter, wherein, they have stated that the trial in CC.No.1271 of 2006 had begun and 4 witnesses out of 9 prosecution witnesses were examined. It is also stated in the counter that the petitioner is involved in two other cases namely, Erode Taluk Police Station Crime No.30 of 2015 under Section 341, 294b, 506[ii] IPC and Erode Town Police Station Crime No.403 of 2014 under Section 294b, 353, 506[ii] IPC.

6. The case in Crime No.30 of 2015 was registered on 29.01.2015 based on a complaint given by one Palanisamy and the petitioner was arrested and remanded to custody. It may be relevant to state here that this petitioner filed Crl.OP.No.8061 of 2015 for quashing the prosecution in CC.No.1271 of 2006 which was dismissed by this Court on 08.06.2015.

7. Now this Court has to examine whether the allegation of the petitioner that the Magistrate asked him for a car to drop his relatives at Kanyakumari is probable. Admittedly, there are two cases pending against this petitioner and the petitioner claims himself to be a social activist fighting for a noble cause. Under such circumstances, the allegations that the learned Magistrate demanded a car from a social activist/accused defies credulity. It is usual for anyone to throw wild allegations against a Judicial Officer and cause embarrassment to him.

8. In the result, this petition is devoid of merits and is accordingly, dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (LA)

/true copy/

Sub Asst. Registrar

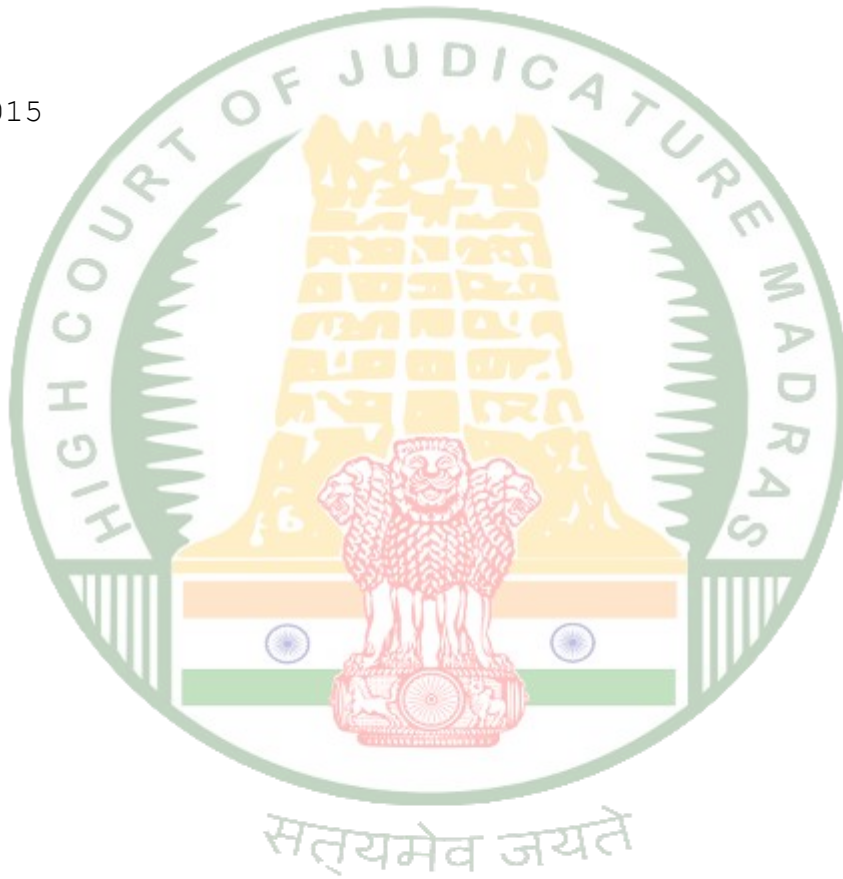
To

1.Judicial Magistrate-I,
Erode.

2.The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.14707 of 2015

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