

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2015

C O R A M

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Cr1.O.P.No.20929 of 2015

and

M.P.No.1 of 2015

1.G.Karunairaj

2.Jayanthi Karunairaj

...Petitioners

Vs.

1.State rep.by

Inspector of Police,
City Crime Branch Coimbatore.

2.Mr.Pradeep Philipose

... Respondents

PRAYER: Criminal Original Petition is filed under Section 407 of Cr.P.C to transfer of Criminal trial in C.C.No.366 of 2011 in Cr.No.55/2010 on the file of the Judicial Magistrate - III, Coimbatore to any other Metropolitan Magistrate Court, Chennai.

For Petitioners : Mr.M.Shreedhar and Associates

For Respondents : Mr.C. Emalias

No.1

Addl. Public Prosecutor

O R D E R

This petition has been filed to transfer the proceedings in C.C.No.366 of 2011 from the file of the learned Judicial Magistrate No.III, Coimbatore to any other court on the ground that, the learned Judicial Magistrate has not properly framed charges.

2. Heard Mr.M.Shreedhar, learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent.

3. It is seen that the petitioner has made reckless allegation against the Judicial Magistrate. This court cannot countenance parties adopting such flimsy allegations against a Judicial Officer. On a close reading of the charge, it is seen that there are two accused in this case and there is an allegation of abetment. When there is allegation of abetment, it is essential that the charge with regard to one accused should be put to the other accused also and no distinct charge can be framed in cases of conspiracy, abetment and common intention. It is always open to the trial Court to alter the charge under Section 216 Cr.P.C.

4. Therefore, in the considered opinion of this court, it is not a fit case to order transfer of trial to any other court, for, that will cause great prejudice to the administration of justice as well to the witnesses who have come to depose before the jurisdictional court. Hence, the petition is dismissed as devoid of merits. Consequently, connected miscellaneous petition is closed. The trial court is directed to expeditiously complete the trial in this case.

sms

s/d-
Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

To

1. Inspector of Police,
City Crime Branch Coimbatore.
 2. The Judicial Magistrate - III,
Coimbatore
 3. The Public Prosecutor,
High Court, Madras.
- + 1 cc to Mr.M.Sreedhar and Associates, Advocate SR 44435

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