

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.10.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.23587 of 2015
and MP.No.1 of 2015

P.Manimegalai ... Petitioner

Vs

Baskaran @ Arumugam ... Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to issue a direction to withdraw the C.C.No.81/2013 pending on the file of District Munsif-cum-Judicial Magistrate, Kodumudi, Erode District and transfer the same to any of the Judicial Magistrate Court in Madurai District.

For Petitioner : Mr.P.Kannan Kumar

O R D E R

This petition has been filed to transfer the CC.No.81 of 2013 on the file of the learned Munsif-cum-Judicial Magistrate, Kodumudi, Erode District and transfer the same to any of the Judicial Magistrate Court in Madurai District.

2. Heard the learned counsel for the petitioner and perused the materials placed on record.

3. It is seen that, Baskaran @ Arumugam who is the husband of this petitioner has launched a prosecution in CC.No.81 of 2013, against this petitioner and Karthikeyan for the offence of Bigamy before the learned District Munsif-cum-Judicial Magistrate, Kodumudi. Now, Manimegalai [A2] is before this Court, seeking the transfer of prosecution from the file of the Judicial Magistrate Court, Kodumudi to any Magistrate in Madurai District, on the ground that she is residing at Madurai.

4. In the considered opinion of this Court, a transfer cannot be effected in a criminal case, on the ground that one of the accused is residing elsewhere. On a reading of the complaint, it is seen that the cause of action has arise within the jurisdiction of the Judicial Magistrate, Kodumudi and

further, the witnesses cited in the complaint are also from Karur area.

5. Hence, the prayer of the petitioner for transfer cannot be acceded to. If the petitioner files an application under Section 317 Cr.P.C undertaking that her counsel will cross-examine the witnesses, without adopting any dilatory tactics and that she will not dispute her identity, then the Trial Court may liberally consider the same and dispense with the personal appearance of the petitioner.

With the above observation, this petition is closed. Consequently, connected Miscellaneous Petition is closed.

gya

s/d-
Assistant Registrar(CS-II)

True Copy

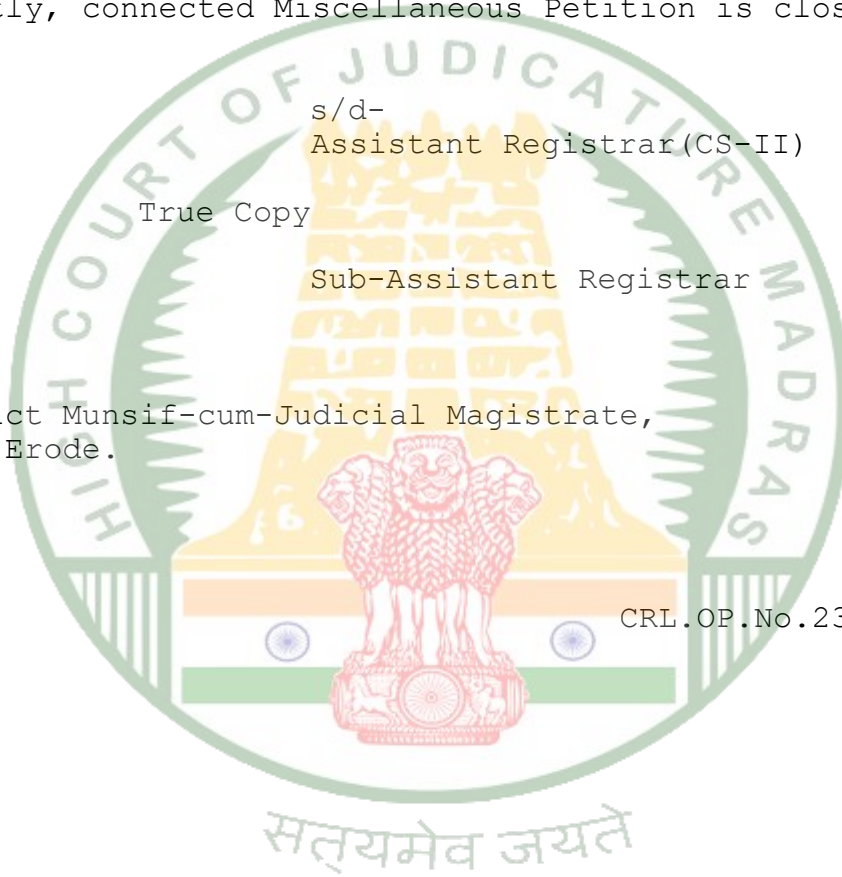
Sub-Assistant Registrar

To

The District Munsif-cum-Judicial Magistrate,
Kodumudi, Erode.

ca(co)
prk28/10

CRL.OP.No.23587 of 2015



WEB COPY