

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2015

CORAM:

THE HON'BLE MR.JUSTICE R.S.RAMANATHAN

CrI.O.P.No.4693 of 2015

M.Srividya

... Petitioner

Vs.

1.State rep. by the Inspector of Police,
Mahalingapuram Police Station, Pollachi

2.A.Kuppuraj

... Respondents

Prayer : Criminal Original Petition filed under Section 407 of the Code of Criminal Procedure, praying to direct to transfer the case in C.R.P. No.79 of 2014 pending on the file of the IV Additional District and Sessions Judge, Coimbatore to any other Additional District Court in Tiruppur or any other Additional District Court.

For Petitioner : Mr.S.Sithirai Anandam

For Respondents : Mr.M.Maharaja
Additional Public Prosecutor for R1

ORDER

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor.

2.This petition is filed to transfer the Criminal Revision Petition 79 of 2014 on the file of the IV Additional District and Sessions Judge, Coimbatore to any other Sessions Court. The petitioner is the first respondent in the above revision and the petitioner filed an application to discharge her in C.C. No.330 of 2013, filed by the second respondent herein. That petition in C.M.P. No.618 of 2014 in C.C. No.330 of 2013 on the file of the Judicial Magistrate No.II, Pollachi was allowed and the same second respondent filed the above Criminal Revision Petition 79 of 2014 on the file of the IV Additional District and Sessions Judge, Coimbatore.

3.It is submitted by the learned Additional Public Prosecutor that the Presiding Officer, who served as CBI Officer in Coimbatore and the Advocate appearing for the second respondent, has become friends and the same Special Public Prosecutor is appearing for the second respondent and therefore, the petitioner may not get justice.

4.According to me, a case cannot be transferred on the ground that the Advocate appearing for the party was once a Special Public Prosecutor appearing before the Judge and therefore they became friends and on the ground the other party cannot get justice and except the same, there is no valid reason stated for transferring the case. Hence, I do not find merits in this case. Accordingly, this petition is dismissed. This connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vga

To

- 1.The Inspector of Police,
Mahalingapuram Police Station, Pollachi
- 2.The IVth Additional District & Sessions Judge, Coimbatore.
- 3.The Additional District Court,Tirupur.
- 4.The Public Prosecutor
High Court, Madras.

1 cc to Mr.S.Sithirai Anandam ,Advocate, SR.No.11419

rv(co)
pmk.16.3.2015

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