

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2015

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

CrI.O.P.No.494 of 2015

M.P.No.1 of 2015

Raja Gounder

... Petitioner/Accused

Vs

The Inspector of Police,  
Alagapuram Police Station,  
Salem.  
(Cr.No.114 of 2012)

... Respondent/Complainant.

Criminal Original Petition filed under Section 482 Cr.P.C., seeking to set aside the order passed in Transfer C.M.P.Sr.No.15356 of 2014, on the file of the Court of Sessions Judge, Salem, dated 21.11.2014 and direct the learned Sessions Judge, Salem, to take it on file the above Transfer Petition.

For Petitioner : Mr.V.V.Sairam

For Respondent : Mr.C.Emalias,  
Addl. Public Prosecutor

O R D E R

It is seen that the petitioner is facing trial in S.C.No.127 of 2013, on the file of the Principal Assistant Sessions Judge, Salem. The petitioner has filed a Transfer Application before the learned Sessions Judge, Salem, for transferring the above case from the file of the Principal Assistant Sessions Judge, Salem, to any other Court, for certain reasons, mentioned in the transfer application. The said transfer application was presented before the Principal District Sessions Judge, Salem, on 03.11.2014 and it was returned on 21.11.2014, with the following endorsement,

"How this Court is having jurisdiction to entertain this petition. To be explained. Returned."

Challenging this return, the petitioner has approached this Court.

2. When a Court returns a paper, asking for an explanation, it is the duty of the litigant to comply with the returns and re-submit

the same. If the High Court is approached, on this ground, this Court will get relegated to the status of a passing clerk, which practice this Court loaths.

3. Therefore, this petition is closed, with a direction to the petitioner to file a fresh application, before the learned Sessions Judge, Salem and if any query is raised by the Sessions Judge, it should be explained and only if an order, refusing to take the petition on file, is made, can that be subjected to judicial review. No costs. Consequently, connected Miscellaneous Petition is also closed.

skm

s/d-  
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

1. The Sessions Judge,  
Salem.
2. The Inspector of Police,  
Alagapuram Police Station,  
Salem.
3. The Public Prosecutor,  
High Court, Madras

+ 1 cc to Mr.V.V.Sairam, Advocate SR 36378

msm(co)  
prk3/8

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