

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.04.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.O.P.No.9524 of 2015
and M.P.No.1 of 2015

S.Yasotha ... Petitioner/Accused
Vs
P.Dhandapani ... Respondent/Complainant

Criminal Original Petition filed under Section 407 of the Code of Criminal Procedure praying to direct the case in C.C.No.253 of 2013 pending on the file of the Fast Track Court-II at Coimbatore to any other Judicial Magistrate Court in Salem and any other Judicial Magistrate Court.

For Petitioner : Mr.S.Sithirai Anandam

O R D E R

This Criminal Original Petition has been filed praying to direct the case in C.C.No.253 of 2013 pending on the file of the Fast Track Court-II at Coimbatore to any other Judicial Magistrate Court in Salem and any other Judicial Magistrate Court.

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

3. The limited prayer in the case is to transfer the prosecution in C.C.No.253 of 2013 pending on the file of the Fast Track Court-II, Coimbatore at Salem, on the ground that the said court does not have jurisdiction, pursuant to the order of the Hon'ble Supreme Court in Dashrath Rupsingh Rathod Vs State of Maharashtra reported in CDJ 2014 SC 647. In the said judgment, the Hon'ble Supreme Court had held that while the trial commenced, the Magistrate had directed to return the complaint to prefer before the jurisdictional court. In this case, the petitioner was questioned by the Magistrate and since, he did not plead guilty and the complainant has also filed proof affidavit. Therefore, when the trial has commenced, it is not open to the Magistrate to transfer the case, following the decision of the Hon'ble Supreme Court in Dashrath Rupsingh Rathod Vs State of Maharashtra reported in CDJ 2014 SC 647.

4. Therefore, this petition is closed with a liberty to the petitioner to open all his defence before the Trial Court. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mps/gya

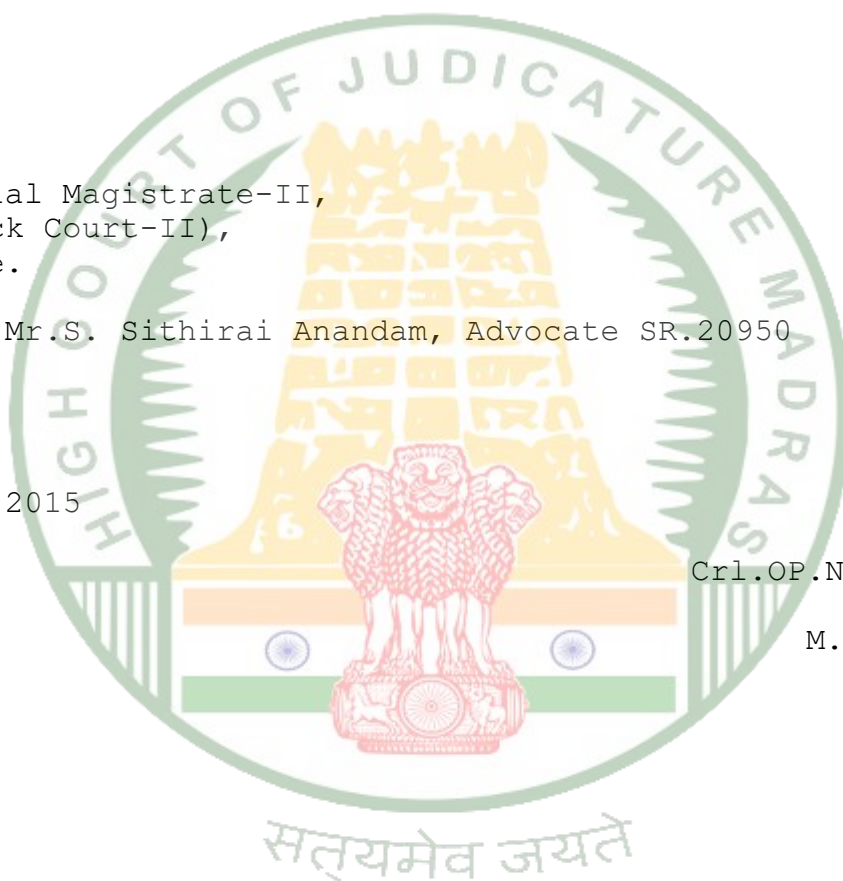
To

The Judicial Magistrate-II,
(Fast Track Court-II),
Coimbatore.

+ 1 cc to Mr.S. Sithirai Anandam, Advocate SR.20950

GU(CO)
EU 18.04.2015

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