

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2015

CORAM:

THE HONOURABLE MR.JUSTICE R.S.RAMANATHAN

Cr1.O.P. No. 13444 of 2013
and
M.P.Nos.1 and 2 of 2013

1.A.C.S.M.Subramanian
2.Thayalnayaki

... Petitioners

vs.

Chokkalingam

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to direct the transfer S.T.C.No.624 of 2009 on the file of the learned Judicial Magistrate No.III, Cuddalore to any other Court of competent jurisdiction of Pudukkottai or Alangudi or Peravurani or Pattukottai to try the above said case.

For Petitioners : Mr.L.Baskaran

For Respondent : No appearance

O R D E R

This petition is filed by the petitioner seeking transfer of the case in STC No.624 of 2009 from the file of the learned Judicial Magistrate No.III, Cuddalore.

2.It is submitted by the learned counsel for the petitioner that the respondent filed a private complaint against the petitioners for having committed the offence under sections 500 and 506(i) r/w 109 of the IPC and that was taken cognizance by the learned Judicial Magistrate No.III, Cuddalore. When the petitioners were appearing

before the Judicial Magistrate No.III, Cuddalore, the second petitioner sought for certain particulars by invoking the provisions of Right to Information Act from the learned Judicial Magistrate No.III, Cuddalore and he also gave a report to the Chief Judicial Magistrate, Cuddalore. In the Application filed by the second petitioner under the Right to Information Act, she raised a question stating that the learned Judicial Magistrate threatened her in Open Court on 26.7.2012 that if the second petitioner sought for any details under the Right to Information Act, he would remand the first petitioner and therefore, she raised a question why such a threat was issued by the learned Judicial Magistrate. In the reply given by the learned Judicial Magistrate No.III, Cuddalore to the Chief Judicial Magistrate, Cuddalore, he stated that the Court has got power to warn the accused and only warning was given and no threat was given as stated by the second petitioner. He therefore submitted that having regard to the reply given by the learned Judicial Magistrate No.III, Cuddalore, the petitioners apprehend that they may not get justice before the same court. Therefore, the case is liable to be transferred from that Court.

3. I am unable to accept the contention of the learned counsel for the petitioner. The case filed by the respondent in S.T.C.No.624 of 2009 has been pending for the past 6 years and though this Criminal O.P, was filed in the year 2013 and though no stay order was passed, the petitioners were able to keep the matter pending without any progress. In the affidavit filed in support of this petition, the petitioners have not referred to the reply given by the learned Judicial Magistrate No.III to her query raised by invoking the provisions of Right to Information Act. It is further stated in Paragraph 8, the second petitioner filed discharge the petition and the trial Court without considering the same, returned the said petition on the ground that the second petitioner gave a complaint against the Presiding Officer.

4. Admittedly, in the affidavit filed in support of the present petition, there was no reference to the threat exerted by the Presiding Officer as stated in the query raised by the petitioner by invoking the provisions of Right to Information Act and except the allegation in Paragraph 8 that the Discharge Application filed by the second petitioner was returned without any reason, no allegation was made against the Presiding Officer.

5. Hence, I do not find any reason to grant the relief sought for in this petition. Accordingly, the petition is dismissed. The connected Miscellaneous Petitions are also dismissed. The learned Judicial Magistrate No.III, Cuddalore, is directed to complete the trial in the case within a period of three months from the date of receipt of a copy of this order.

Sd/-
Asst. Registrar

/true copy/

Sub Asst. Registrar.

asvm

To

1. The Judicial Magistrate No.III,
Cuddalore.
2. Through The Chief Judicial Magistrate,
Cuddalore.

+1cc to M/s.L.Baskaran, Advocate, S.R.No.10312

CRL.O.P. No.13444 of 2013
and
M.P.Nos.1 and 2 of 2013

GP (CO)
CA(05/03/2015)

सत्यमेव जयते

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