



WEB COPY

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2015

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH

CRL.O.P. (MD) No.10752 of 2015

Rajesh

... Petitioner

Vs.

1. The Deputy Superintendent of Police,
Vilathikulam,
Thoothukudi District.

2. The Inspector of Police,
Masarpatti Police Station,
Thoothukudi District.

3.Salamon

4.Mottaiyan @ Krishnasamy

5.Ganesan

6.Peradi @ Peradi Doss

... Respondents

PRAYER: Criminal Original Petition filed under section 482 of the Code of Criminal Procedure, praying to withdraw the case in S.C.No.170/2012 on the file of the Assistant Sessions Court, Kovilpatti and transfer the same to the learned II-Additional Sessions (PCR) Court, Tirunelveli.

For Petitioner : Mr.A.Jayaramachandran

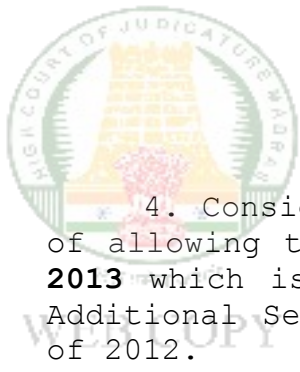
For Respondents-1 & 2 : Mr.K.Anbarasan
Government Advocate (Crl. Side)

O R D E R

Admittedly, there is a case and counter case. In S.C.No.170/2012, the petitioner is the defacto complainant which is pending on the file of the Assistant Sessions Court, Kovilpatti and in ***S.C.No.141 of 2013** pending on the file of the II-Additional Sessions Court (PCR), Tirunelveli, the petitioner is the accused. Therefore seeking transfer of the case in S.C.No.170 of 2012, the present petition has been filed.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the first and second respondents and perused the records.

3. Despite the fact that the notice having been served to respondents, there is no appearance for the respondents 3 to 6. The learned Government Advocate (Crl. Side) submitted that the case in S.C.No.170 of 2012 is at trial stage.



4. Considering the fact that there is a case and counter case, instead of allowing the prayer, this court is inclined to transfer ***S.C.No.141 of 2013** which is subsequently taken on file, pending on the file of the II-Additional Sessions Court (PCR), Tirunelveli, to try along with S.C.No.170 of 2012.

5. Hence, this court directs the learned Assistant Sessions Judge, Kovilpatti, to transfer the S.C.No.170 of 2012 to the file of learned II Additional Sessions Judge, PCR Court, Tirunelveli. On receipt of the same, the learned II Additional Sessions Judge, PCR Court, Tirunelveli, is directed to try the same along with S.C.No.141 of 2013 on his file.

6. Accordingly, this Criminal Original Petition is disposed of.

Sd/-

ASSISTANT REGISTRAR(Per.Admn)

***AMENDED AS PER ORDER OF THIS HON'BLE
COURT DATED 02.09.2015 on being mentioned
IN CRL OP(MD)No. 10752 OF 2015**

Sd/-

ASSISTANT REGISTRAR(CO)

/ TRUE COPY /

SUB ASSISTANT REGISTRAR

To

TO BE SUBSTITUTED TO THE ORDER ALREADY DESPATCHED ON 13.08.2015

- 1.The Assistant Sessions Judge,
The Assistant Sessions Court, Kovilpatti.
- 2.The II Addl. Sessions Judge,
The II-Addl.Sessions Court(PCR), Tirunelveli.
3. The Deputy Superintendent of Police,
Vilathikulam,
Thoothukudi District.
4. The Inspector of Police,
Masarpatti Police Station,
Thoothukudi District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 C.C.To A.Jayaramachandran, Advcate, SR No.51673

PJL

SH:27.07.2015: 3P/7C

TS/09.09.2015/2P - 7C AAL/MPA