



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

Crl.O.P. (MD) No.11448 of 2015

and

M.P. (MD) .Nos.1 & 2 of 2015

- 1.Chinnakodi
- 2.Kamayee
- 3.Pinnathevar
- 4.Poongodi

... Petitioners

Vs.

1. State Rep. by the  
Inspector of Police,  
Usilampatti Town Police Station,  
Madurai District.  
(Crime No.138 of 2010)

2.Dharmarasan ... Respondents  
(R2 impleaded vide order dated 07.07.2015 in  
MP 3/15 in Crl.OP.No. 11448/15)

Prayer : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, praying to withdraw the case in S.C.No.334/2012 on the file of the Additional Sessions Judge's Court, Mahila Court, Madurai and to transfer the same to Mahila Court, Theni for disposal of the same on merits in accordance with law.

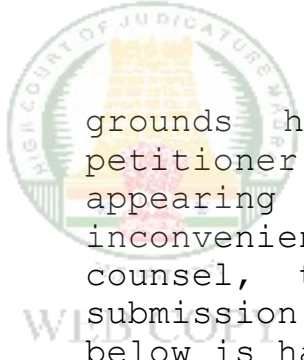
For Petitioners : Mr.R.Babu Jaganath  
For Respondent-1 : Mr.K.Anbarasan  
Government Advocate (Crl. Side)

#### ORDER

Seeking to transfer the case in S.C.No.334/2012 from the file of the Additional Sessions Judge's cum Mahila Court, Madurai to the Additional Sessions cum Mahila Court, Theni, the present petition has been filed.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) appearing for the first respondent and perused the materials available on record.

<https://hcservices.courts.gov.in/hcsportal>  
3. This petitioner who are arrayed accused in S.C.No.334 of 2012 being A1 to A4 before the Additional Sessions cum Mahila Court, Madurai have come forward to file this petition. Two



grounds have been raised by the learned counsel for the petitioner. The first ground is that the senior counsel who is appearing for the petitioner is 80 years old and due to the inconvenience of travelling from Theni to Madurai of the said counsel, this case will have to be transferred. The second submission is that the learned Government Advocate in the court below is harassing the petitioners.

4. If the senior counsel is having some inconvenience, it is well open to the petitioner to engage some other counsel. The same cannot be the ground to transfer the case. Insofar as the second submission is concerned there is no material to support the allegations made against the learned Government Advocate in the court below. However, a direction issued to the Additional Sessions cum Mahila Court, Madurai to look into the said aspect and take proper action to see to it that the trial is being conducted in a fair manner.

5. Accordingly, this Criminal Original Petition is disposed of with the above direction. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

1. The Additional Sessions cum Mahila Court,  
Madurai.
2. The Inspector of Police,  
Usilampatti Town Police Station,  
Madurai District.
3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

PJL

TE/AN-MP/SAR-I 02/09/2015 2P/4C

CrI.O.P. (MD) No.11448 of 2015  
and  
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24.07.2015