



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2015

CORAM

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

CRL.O.P.(MD) No.21316 of 2014

and M.P.(MD) No.1 of 2014

Arumugam

.. Petitioner/Defacto complainant

Vs ..

Narayanan

.. Respondent/Sole Accused

Criminal Original Petition filed under section 482 of the Code of Criminal Procedure, praying to pass an order withdrawing the case in S.C.No.14 of 2008 on the file of the learned II Additional Sessions Judge (PCR Court), Thirunelveli District and transferring the same to any other Court having jurisdiction to deal with the same.

For Petitioner : Mr.A.D. Ganeshmoorthy

For Respondent : Mr. R. Anand

O R D E R

This petition is filed to withdraw the case in S.C.No.14 of 2008 on the file of the learned II Additional Sessions Judge (PCR Court), Thirunelveli District and transferring the same to any other Court having jurisdiction to deal with the same.

2. The petitioner is the de facto complainant. This transfer petition has been filed on the ground of making certain allegation against the Judicial Officer.

3. A perusal of the additional typed set of papers would show that the petitioner did not co-operate with the trial. The counsel for the petitioner made a statement that the petitioner has lost faith in the present officer, since it has been stated that the accused are acquitted.

4. Counsel for the respondent submitted that the trial has been dragged on so many years and therefore no interference is required.

5. In the absence of any material to substantiate the allegation, this Court cannot examine allegation levelled against the Judicial Officer. Suffice it to say that the petitioner is not willing to conduct the case before the said Judicial Officer.



However, by the said action, justice should not be delayed. If the petitioner does not depose anything certainly it would affect the fair trial.

6. Though, this Court is not satisfied with the contention of the petitioner in the interest of Justice, this Court is inclined to transfer the case to any other Court within the same District to be made over by the learned Principal District Judge, Thirunelveli District. This order is passed without going into the said allegation made against the Judicial Officer.

7. Accordingly, direction is issued to the Principal District Judge, Thirunelveli to transfer the case from the file of the learned II Additional Sessions Judge (PCR Court), Thirunelveli District to any other Court within the jurisdiction.

8. This Criminal Original Petition is ordered accordingly. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (AE)

/True Copy/

Sub-Assistant Registrar

To

The II Additional Sessions Judge (PCR Court),
Thirunelveli District

+One cc to M/s.A.D.Ganesha Moorthi, Advocate, SR.No.20240

+One cc to M/s.R.Anand, Advocate, SR.No.20701

trp
RL/4c - 19/5/2015

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