



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.01.2015

CORAM

THE HON'BLE MR.JUSTICE C.T.SELVAM

CRL.O.P. (MD)No.22206 of 2014

WEB COPY

P.Sundarapandian

.. Petitioner

.. Vs ..

The Superintendent of Police,
Theni District.

The Deputy Superintendent of Police,
Chinnamannur Range,
Theni District.

The State rep. by
Inspector of Police,
Odaipatti Police Station,
Uthamapalayam Taluk,
Theni District.

... Respondents

Criminal Original Petition filed under section 482 of the Code of Criminal Procedure, praying to transfer the case in Cr.M.P.No.4265 of 2014 from the file of the learned Judicial Magistrate, Uthamapalayam to any other competent court in Madurai District.

For Petitioner : Mr.Y.Krishnan

For respondents : Mr.K.V.Rajaraman

Government Advocate(Crl. Side)

ORDER

This petition has been filed under Section 482 Cr.P.C., praying to transfer the case in Cr.M.P.No.4265 of 2014 from the file of the learned Judicial Magistrate, Uthamapalayam to any other competent court in Madurai District.

2. The learned counsel for the petitioner submits that the petitioner is the father of the girl, who met her death at the hands of her husband. Pursuant to proceedings under Section 174 Cr.P.C., a charge sheet stands filed informing commission of offence under Section 302 I.P.C as against her husband and five others. The petitioner moved an application for return of jewels found on the body of the deceased. Though the petitioner had not arrayed the accused as respondents in the petition filed under Section 451 Cr.P.C, the Court below had chosen to issue notice to the accused. Further, the accused/husband had moved a petition under Section 451 Cr.P.C independently and thereafter, withdrew the same. Subsequently, he moved another petition under Section 311 Cr.P.C., for recalling the witness and the same was allowed. Complaining of inordinate delay in the disposal of the petition under Section 451 Cr.P.C moved as early as on 22.04.2014, the petitioner having lost his daughter, has filed the present Criminal Original Petition seeking transfer of the case in Cr.M.P.No.4265 of 2014 from the file of learned Judicial Magistrate, Uthamapalayam to any other Court in Madurai.



3. Heard the learned counsel for the petitioner and the learned Government Advocate(Crl. Side) for the respondent and perused the materials available on record.

4. Considering the submissions made by the learned counsel for the petitioner, this Court would transfer the case in Cr.M.P.No.4265 of 2014 from the file of the learned Judicial Magistrate, Uthamapalayam to the file of the learned Judicial Magistrate No.I, Madurai. The learned Judicial Magistrate No.I, Madurai, shall dispose of the petition filed by the petitioner under Section 451 Cr.P.C as expeditiously as possible and also consider the charge sheet and take a decision on committal as expeditiously as possible and to the Court of Sessions within whose jurisdiction the occurrence took place.

This Criminal Original Petition is ordered accordingly.

Sd/-

Assistant Registrar(Per.Admn)

/True copy/

Sub Assistant Registrar

pm

To

1.The Judicial Magistrate Court,
Uthamapalayam.

2.The Judicial Magistrate Court No.I,
Madurai.

3.The Superintendent of Police,
Theni District.

4.The Deputy Superintendent of Police,
Chinnamannur Range,
Theni District.

5.The Inspector of Police,
Odaipatti Police Station,
Uthamapalayam Taluk,
Theni District.

6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court
Madurai.

+1cc to MR. Y.Krishnan, Advocate sr No.2449

CRL.O.P. (MD) No.22206 of 2014
19.01.2015

RG.28/01/2015 2P.8C.