

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2016

CORAM:

THE HONOURABLE MS.JUSTICE R.MALA

Crl.O.P.No.17837 of 2015

And

M.P.No.1 of 2015

A.Ramya

... Petitioner

Vs.

1.Muralikrishnan

2.Malliga

3.J.Balagangadharan

... Respondents

Prayer :

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to set aside the order dated 26.06.2015 in Transfer Crl.M.P.No.2106 of 2015 in M.C.No.68 of 2014 (C.M.P.No.451 of 2010) on the file of the Sessions Judge at Chennai.

For Petitioner : Mr.R.Karunakaran

For Respondents: Mr.K.Azhagu Raman for R2 and R3

ORDER

The petitioner has come forward with this petition praying to set aside the order dated 26.06.2015 in Transfer Crl.M.P.No.2106 of 2015 in M.C.No.68 of 2014 (C.M.P.No.451 of 2010) on the file of the Principal Sessions Judge at Chennai.

2.Heard.

3.The learned counsel for the petitioner submitted that the petitioner is the complainant and she preferred a complaint under the Domestic Violence Act in M.C.No.68 of 2014 and it is pending. During the pendency, when the petitioner attempted to mark the document, it was not accepted by the learned Trial Court. He would further submit that the third respondent is an Advocate and former MLA and corrected the Court records by using his influence and hence the petitioner wants to transfer the case from the learned XVIII Metropolitan Magistrate, Saidapet, Chennai to any other Metropolitan Magistrate Court at George Town, Chennai. After hearing, the petition was dismissed. Hence, the petitioner came forward with the present petition.

4.The learned counsel for the petitioner further submitted that the first respondent alone has done the Pathapooja, the photograph has to be marked, but the learned Judge has not permitted to mark the document. Hence, he apprehended that the petitioner will not get justice before the Court.

5.At this juncture, the learned counsel for the respondents submitted that the Presiding Officer has already been transferred and new Presiding Officer is incharge of the case.

6.Considering the fact that the Presiding Officer is entirely different from whom the Officer refused to mark the document, the ground for which transfer sought for is unwarranted. The second limb of the argument is that the third respondent is Ex-MLA and he used to correct the Court records, but wherever he goes, if he is of such a person, he will do that. So, it is not the ground for transfer of the case. So, this is not a fit case for transfer of the case. The learned Principal Sessions Judge at Chennai has considered this aspect and came to the correct conclusion in paragraph no.6 of the order. I do not find any merits in this petition and it deserves to be dismissed.

7.This Criminal Original Petition is accordingly dismissed. Since according to the learned counsel for the respondents already evidence is over and written arguments filed, the learned XVIII Metropolitan Magistrate, Saidapet, Chennai is directed to dispose of the M.C.No.68 of 2014 within a period of two months from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CS III)

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Sub Assistant Registrar

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To

1.The Principal Sessions Judge,
Chennai

2. XVIII Metropolitan Magistrate, Saidapet, Chennai.

3. -do- Thro'Chief Metropolitan, Magistrate, Chennai.

4.The Public Prosecutor
High Court, Madras.

+ 1 cc to Mr.K. Azhagu Raman, Advocate Sr.13685

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RSY(CO)
Eu 17.03.16



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