

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2016

CORAM:

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P. No.26081 of 2016 & Crl.M.P. No.12944 of 2016

1 Murahari
2 Govindaraj
3 Boopalan
4 Sivaraman
5 Boopathy
6 Udayakumar
7 Gurusankar
8 Satheesh
9 Sundaram
10 Jayaraman
11 Gopi
12 Santhanakrishnan

Petitioners/B-Party in Sec.107
proceedings

vs.

1 The First Class Executive Magistrate-cum-
Sub Collector
Officer of the Sub Collector
Cheyyar
Tiruvannamalai District

1st respondent/proceeding
Officer

2 The Inspector of Police
Vandavasi North Police Station
Vandavasi
Tiruvannamalai District

R2/Complainant

3 Kumar
4 Kala
5 Sathyaraj
6 Siva
7 Raghpathy
8 Bharanitharan

Respondents 3 to 8/B-party in
Sec.107 proceeding

Criminal Original Petition filed under Section 407 of the
Code of Criminal Procedure to transfer the proceedings in
Cr.P.C.M.C. No.159/2016 (A-3) on the file of the first
respondent to some other First Class Executive Magistrate in

Tiruvannamalai District.

For petitioners Mr. K. Subburam
For RR 1 & 2 Mr. C. Emalias
 Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to transfer the proceedings in Cr.P.C.M.C. No.159/2016 (A-3) on the file of the first respondent to some other First Class Executive Magistrate in Tiruvannamalai District.

2 It is seen that a proceedings under Section 107, Cr.P.C. has been initiated against the petitioners before the Sub Collector, Cheyyar and the petitioners have received notice from the Sub Collector, Cheyyar for their appearance.

3 The instant petition has been filed by "B Party" for transfer of the proceedings from the file of the Sub Collector, Cheyyar, to any other Magistrate in Tiruvannamalai District, on the ground that when the petitioners participate in the enquiry, they are being threatened by the Sub Collector, Cheyyar, himself.

4 In the considered opinion of this Court, a proceedings under Section 107, Cr.P.C., cannot be transferred out of the territorial jurisdiction of the Executive Magistrate inasmuch as these are breach of peace proceedings, which have to be conducted only within the territorial jurisdiction where breach of peace is apprehended.

5 It is also seen that one Mr. Arul Oli, Advocate, had misbehaved with the authorities, pursuant to which, on the complaint given by one Baskar, the Personal Assistant to the Sub Collector, a case has been registered against him in Cr. No.1096 of 2016 on 21.11.2016 under Sections 294(b), 353 and 506(i) IPC.

6 The learned counsel for the petitioners submitted that the petitioners may be permitted to have a counsel of their choice to represent them in Section 107 proceedings.

7 Accepting the submission of the learned counsel for the petitioners, this Court directs the Executive Magistrate-cum-Sub Collector, Cheyyar, to permit any counsel other than Mr. Arul Oli as he is an accused in Cr. No.1096 of 2016, to represent the petitioners in the Section 107 proceedings.

With the above direction, this Criminal Original Petition is dismissed. Connected CrI.M.P.is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

cad

To

- 1 The First Class Executive Magistrate-cum-Sub Collector
Officer of the Sub Collector
Cheyyar
Tiruvannamalai District
- 2 The Inspector of Police
Vandavasi North Police Station
Vandavasi
Tiruvannamalai District
- 3 The Public Prosecutor
High Court of Madras
Chennai 600 104

+1cc to Mr.K. Subbaram, Advocate, S.R.No.71473

rsi(CO)
md(2/12/2016)

CrI.O.P. No.26081 of 2016

WEB COPY