

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

CrI.O.P.No.2669 of 2016
and CrI.M.P.No.1412 of 2016

Uthirapathy .. Petitioner/Accused

Vs.

1.Inspector of Police
Jayankondam police station
Ariyaloor District.

2.P.Danasekaran ... Respondents/Complainant

Prayer: Criminal Original Petition is filed under Section 407 of Cr.P.C., to transfer S.T.C.No.1261 of 2014 pending on the file of the learned Judicial Magistrate, Jayamkondam to the learned Judicial Magistrate, Chidambaram.

For Petitioner :Mr.K.Srinivasan
For R1 :Mr.C.Emalias
Addl. Public Prosecutor
For R2 : Mr.M.Vivekanandan

O R D E R

This petition is filed for transfer S.T.C.No.1261 of 2014 pending on the file of the learned Judicial Magistrate, Jayamkondam to the learned Judicial Magistrate, Chidambaram.

2.Learned counsel for the petitioner submits that the petitioner is aged about 77 years and hence he has filed an application to dispense with his presence. But the same has not been numbered. He further submits that the petitioner has also filed a discharge application, but the learned Magistrate refused to receive the same. Since the learned Magistrate has shown biased attitude towards the petitioner and acted in a preconceived manner, the petitioner has come forward with this petition seeking transfer.

3.At the time of argument, learned counsel for the petitioner fairly conceded that he wants early disposal of the case. Further, he prays that the presence of the petitioner may be dispensed with, since he is aged about 77 years.

4.Heard the learned counsel for the petitioner, learned Additional Public Prosecutor and learned counsel appearing for the second respondent.

5.In view of the above submissions, learned Judicial Magistrate, Jayamkondam is directed to dispose S.T.C.No.1261 of 2014 pending on its file in accordance with law, within a period of three months from the date of receipt of a copy of this order. Further, he is directed to consider the petition filed by the petitioner for dispensing with his personal appearance, since the petitioner is aged about 77 years. Whenever the presence of the petitioner is mandatory, he is directed to be present before the trial Court.

6.With the above direction, the Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1.Inspector of Police
Jayankondam police station
Ariyaloor District.

2.The Judicial Magistrate, Jayamkondam.

3.-do-Thro - The Chief Judicial Magistrate, Ariyalur.

4.The Public Prosecutor
High Court, Chennai.

+1 cc to Mr.M.Vivekanandan, Advocate, sr.24302

Cr1.O.P.No.2669 of 2016
and Cr1.M.P.No.1412 of 2016

rsy co
kra 02.05.2016