



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2016

CORAM:

THE HONOURABLE MR. JUSTICE K. KALYANASUNDARAM

CrI.O.P. (MD) .No.10680 of 2016

and

CrI.M.P (MD) .No.5253 of 2016

C.Athinarayanan

.. Petitioner/sole accused

Vs.

1. State rep. by

The Inspector of Police,
Vilathikulam Police Station,
Tuticorin District.
(Crime No.279/2014)

.. 1st Respondent/complainant

2. A.Muniammal

.. 2nd Respondent/defacto
complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., Praying to direct the special S.C.No.13 of 2016, to be withdrawn on the file of the learned Additional District & Sessions Judge, Mahalir Neethimandram, Fast Track Mahila Court, Tuticorin and to transfer the same to the learned Additional District & Sessions Judge, Mahalir Neethimandram, Fast Track Mahila Court, Tirunelveli or any other court.

For Petitioner

: Mr.R.Murugan

For R1

: Mr.K.Anbarasan

Government Advocate (Criminal side)

ORDER

This petition has been filed to transfer the special S.C.No.13 of 2016, from the file of the learned Additional District & Sessions Judge, Mahalir Neethimandram, Fast Track Mahila Court, Tuticorin, to the file of the learned Additional District & Sessions Judge, Mahalir Neethimandram, Fast Track Mahila Court, Tirunelveli or any other court.

2. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the first respondent.

3. It is the case of the petitioner that the Special Judge, who is holding the charge of Mahalir Neethimandram, Fast Track Mahila Court, Tuticorin was appointed as an enquiry officer in a departmental proceedings initiated against the accused. So, for a fair and impartial trial, the case has to be tried before some other Judge.

4. Mr.R.Murugan, learned counsel for the petitioner would submit that the petitioner is ready to face the trial and in the



interest of justice, the case may be transferred from Mahalir Neethimandram, Fast Track Mahila Court, Tuticorin to Mahalir Neethimandram, Fast Track Mahila Court, Tirunelveli.

5. The learned Government Advocate (Crl. Side) would fairly submit that the same Judge, who has conducted the departmental enquiry of the petitioner is functioning as Judge in Mahalir Neethimandram, Fast Track Mahila Court, Tuticorin.

6. In view of the above submission, this Criminal Original Petition is allowed. Accordingly, the case in Spl.S.C.No. 13 of 2016 is transferred from the file of the learned Additional District & Session Judge, Mahalir Neethimandram, Fast Track Mahila Court, Tuticorin, to the file of the learned Additional District & Sessions Judge, Mahalir Neethimandram, Fast Track Mahila Court, Tirunelveli. The transferrer Court is directed to send all the records to the transferee Court forthwith. On such receipt, the transferee Court is directed to dispose of the case in Spl.S.C.No.13 of 2016, within a period of three months, thereafter. Consequently, connected miscellaneous petition is closed.

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Assistant Registrar(Crl Side)

\TRUE COPY\

Sub Assistant Registrar

To

1. Additional District & Session Judge,
Mahalir Neethimandram,
Fast Track Mahila Court,
Tuticorin.

2. Do Through Principle Sessions Judge, Tuticorin.

3. Additional District & Session Judge,
Mahalir Neethimandram,
Fast Track Mahila Court,
Tirunelveli.

4. Do Through Principle Sessions Judge, Tirunelveli.

5. The Inspector of Police,
Vilathikulam Police Station,
Tuticorin District.

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

+1cc to Mr.R.Murugan, SR No.72332.

PJL

TD/MA/2P/8C 10.1.2017