



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2016

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

CrI.O.P.(MD) No.17774 of 2016

and C.M.P.No.8862 of 2016

P.Paulnadar

... Petitioner/Defacto Complainant

-vs-

1.The Inspector of Police,
South Thamaraikulam Police Station,
Kanyakumari District.

2.N.Umapathi

3.N.Poomani

4.N.Kasithangam

5.R.Raju

6.S.Natarajan

7.R.Ranithangam

8.M.Kolunthuvel Kumaran

... Respondents/Accused

Prayer: Petition filed under Section 482 of Code of Criminal Procedure to transfer the case in C.C.No.175 of 2009 pending before the learned Judicial Magistrate Court No.III, Nagercoil, Kanyakumari District to the learned Judicial Magistrate Court, Valliyoor, Tirunelveli District or any other competent Court out side the Kanyakumari District within the time stipulated by this Court.

For Petitioner : Mr.S.Rajasekar

For R1 : Mr.K.Anbarasan
Government Advocate (CrI.side)

O R D E R

This petition is filed to transfer the case in C.C.No.175 of 2009 pending before the learned Judicial Magistrate Court No.III, Nagercoil, Kanyakumari District to the learned Judicial Magistrate Court, Valliyoor, Tirunelveli District or any other competent Court out side the Kanyakumari District within the time stipulated by this Court.

2. Heard the learned counsel for the petitioner and perused the materials available on record.



3. When the matter is taken up for hearing, the learned Government Advocate (Crl.side) submitted that the entire evidence of prosecution as well as defence side is over and now the case is posted for arguments.

4. The learned counsel for the petitioner would submit that the learned Judicial Magistrate, without assigning any reasons, dismissed the applications filed under Sections 91 Cr.P.C and 311 Cr.P.C and hence, the case has to be transferred to some other Magistrate.

5. It is seen from the records that the petitioner filed the applications to examine the Tahsildar of Agastheeswaram Taluk on the side of the prosecution and for marking of Revenue documents in respect of the property in Survey No.15/12, Agastheeswaram Village. Admittedly, during the course of investigation, the Tahsildar was not examined by the Investigating Officer and after defence witness is over, the applications came to be filed. Hence, I do not find any ground to transfer the case. Accordingly, this petition is dismissed. Consequently, connected Crl.M.P.(MD) No.8862 of 2016 is also dismissed.

Sd/-
Assistant Registrar ()

/True Copy/

Sub Assistant Registrar

CM

To:

1. The Judicial Magistrate No.III,
Nagercoil,
Kanyakumari District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 cc to Mr.T.LAJAPATHY ROY ,Advocate, Sr.No: 53993

JAM/SKS-RR/28.09.16 /2P-4C

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