

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2017

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

CRL.O.P.No.737 of 2017

and Crl.M.P.Nos. 529 & 530 of 2017

P.Nallusamy

..Petitioner

Vs

N. Vimal Kumar

.. Respondent

PRAYER : The Criminal Original Petition is filed under Section 407 of Cr.PC, praying to

a) transfer the case in STC. NO. 89 of 2016 from the file of the Fast Track Court/Judicial Magistrate, Karaikudi to the file of any Metropolitan Magistrate Courts in Chennai either in Egmore, Saidapet or George Town.

For Petitioner : M/s.T.Sundarrajan

For Respondent : Mr.K.Lavan
Mr. A. Ramachandran

O R D E R

The two grounds on which the transfer is sought are for the convenience of the petitioner and medical grounds.

2. In so far as the convenience of the parties is concerned, the learned counsel for the petitioner submitted that both the petitioner as well as the defacto complainant hail from Chennai, which submission is disputed by the respondent, stating that he is a native of Karaikudi and he resides there ordinarily.

3. It is now brought to my notice that the trial has commenced in the present proceedings and hence, it would not be appropriate at this juncture to transfer the proceedings.

4. The petitioner has produced various documents to show that he is under going treatment for heart ailment and that the transfer of the case might seriously affect his health.

5. In consideration of his heart ailment and to met the ends of justice, it would be appropriate to dispense with the

personal appearance of the petitioner rather than transferring the case from Karaikudi to Chennai and simultaneously issue directions for a speedy trial.

5. Hence, the Criminal Original Petition is dismissed with the following observations:-

(i) There shall be a direction to the learned Judicial Magistrate/Fast Track Court, Karaikudi to expedite the trial in STC No. 89 of 2016 and complete the same within a period of three months from the date of receipt of a copy of this order.

(ii). The personal appearance of the petitioner in connection with the case in S.T.C.No.89 of 2016 on the file of the Fast Track Court/Judicial Magistrate, Karaikudi, is dispensed with, except on the dates in which his personal appearance is mandatory.

Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate/Fast Track
Court, Karaikudi

+1 cc to Mr.T.Sundar Rajan Advocate sr 51090
+1 cc to Mr.K.Lavan Advocate sr 51152

CRL.O.P.No.737 of 2017

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