

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 20.06.2017

CORAM

THE HON'BLE MR. JUSTICE M.V.MURALIDARAN

Crl.O.P.Nos.19095 to 19097 of 2011
and
M.P.Nos.1,1 & 1 of 2011

E.V.Ramanodhan ... Petitioner in all Crl.OPs

Vs

State Rep. by
The Inspector of Police,
Sathuvachery Police Station,
Vellore - 632 009. ... Respondent in all Crl.OPs

PRAYER: Petition filed under Section 407 of the Code of Criminal Procedure, to transfer the case in C.C.Nos.49, 51 & 50 of 2011 in Cr.Nos.324/2007, 478/2008, 474/2008 on the file of the learned Judicial Magistrate No.V, Vellore, Vellore District to the Judicial Magistrate No.1, Perambalur, Perambalur District.

(In all the Crl.OPs)

For Petitioner : Mr.E.V.Ramanodhan

For Respondent : Mr.P.Govindarajan
Addl. Public Prosecutor

COMMON ORDER

These criminal original petitions were filed by the petitioner to transfer the case in C.C.No.49 to 51 in Cr.No.324 of 2007 on the file of the learned Judicial Magistrate No.V, Vellore district to the Judicial Magistrate No.I, Perambalur or any other district in Tamilnadu.

2.Brief case of the petitioner:

The facts of the case is that the petitioner is an advocate in Vellore district for the past 12 years. Petitioner

professionally supporting the oppressed public affected by police and have filed several cases against the police officers. Petitioner is the president of Katpadi Bar association, and till date the bar association is not participating any kind of court boycotts. From 1.1.2007 to 21.9.2007 there was 165 working days . In this, the Vellore advocate associations boycotted the courts for 36 working days, on those days of boycott, petitioner attended the courts. Hence the advocates of Vellore have rushed grudge against petitioner. On 21.9.2007 the Vellore advocates boycotted the court at about 10.20 AM at the leadership of P.Devarej and N.Sivaraj and along with 9 other advocates entered into the district court hall threatened and criminally intimidated not to attend the court. They further used abuse and obscene language against petitioner. In spite of this, the petitioner attended the court on that day. For this incident petitioner have given a complaint to the Sathuvachery police station. But the police refused to register the FIR. Petitioner filed a petition in CrI.O.P.No.29836 of 2007 and this Hon'ble Court had ordered the police to register the FIR accordingly the police registered the case in Cr.No.324 of 2007. Then the petitioner filed the CrI.O.P for filing final report and after that the respondent police filed the final report only on 9.2.2011 before Judicial Magistrate No.V, Vellore and the learned Magistrate took the case on file in C.C.No.49 of 2011. Now the petitioner is threatened and the learned Magistrate also colluded with the advocates. Therefore this transfer petition is filed.

3.Heard the arguments on either side and perused the entire materials available on record.

4.The learned counsel for the petitioner submits that the accused in C.C.49 of 2011 are very powerful persons in the Vellore advocates associations. They are influencing the Judicial Magistrate, the said Magistrate also to do favour of the accused persons. Since the accused persons are not appeared on 1.8.2011, but the Judicial Magistrate has noted in the case bundle "all accused present". On 01.8.2011 petitioner appeared the said court, the case bundle was not called by the Magistrate. Petitioner approached the Magistrate clerk and asked him why the case bundle was not called. She said the bundles are in the table of Judicial Magistrate and he kept the bundle. In the evening Petitioner went to the said court and saw the diary in C.C.No.49 of 2011 all accused present.

5.The learned counsel for the petitioner submits that on 3.8.2011 also the same drama was going and the case is posted on

9.8.2011 as the copies not ready and preparation of copies by 9.8.2011. But in reality no accused was appeared on that date also. Then only petitioner filing this affidavit to transfer the case from the Judicial Magistrate No.V, Vellore to the Judicial Magistrate court of Perambalur.

6.In the case on hand, considering the facts and circumstances and the bar members involved, I am inclined to transfer the case as prayed for.

7.In the result, these criminal original petitions are allowed and the cases pending in in C.C.Nos.49, 51 & 50 of 2011 in Cr.Nos.324/2007, 478/2008, 474/2008 on the file of the learned Judicial Magistrate No.V, Vellore, Vellore District, is transferred to the learned Judicial Magistrate No.I, Perambalur. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

- 1.The Judicial Magistrate No.V, Vellore, Vellore District.
- 2.The Judicial Magistrate No.I, Perambalur.

सत्यमेव जयते
Crl.O.P.Nos.19095 to 19097 of 2011
and
M.P.Nos.1,1 & 1 of 2011

nr 03/04/2019

WEB COPY