

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2017

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

CRL.O.P.No.15582 of 2016

1. Santhamani

2. Nisanth

3. Vythish

(Petitioners 2 and 3 are minors)

rep by mother 1st Petitioner)

...Petitioner

-Vs-

Subramani

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to withdraw the case in M.C.No.13 of 2014 pending on the file of the Judicial Magistrate Court at Rasipuram, Namakkal District and transfer the same to the Court of the Judicial Magistrate Court No-I, at Attur in Salem District.

For Petitioners : Mr.R.Asaitambi

For Respondent : Mr.P.Lakshmi Kanthan

N.Chinnaraj

O R D E R

The prayer sought for in this petition is to withdraw the case in M.C.No.13 of 2014, pending on the file of the Judicial Magistrate Court at Rasipuram, Namakkal District and transfer the same to the Court of the Judicial Magistrate Court at Attur in Salem District.

2. One of the main grounds raised by the petitioner, is that the petitioner who is residing with her parents' faced difficulty to travel from her parent's house in Salem District to attend the Court proceedings at Rasipuram. It is also the case of the petitioner that she is residing in hill area and hence faced difficulty. The petitioner has also stated that she has to be accompanied by her parents to attend the court at Rasipuram and even when she there, goes there is no safety for her.

3. It is now brought to my notice the trial has been completed, and the case is in argument stage.

4. The petitioner has not complained about any partial or unfair trial against the Judicial Magistrate Court, Rasipuram. The apprehension of the petitioner of having difficulty to attend the Court proceedings in Rasipuram, may not be a valid ground for transfer when the proceedings have come to the conclusion stage. I do not intend to disturb the proceedings at this stage.

5. However, taking into account that the maintenance case pending from 2014 onwards, there shall be a direction to complete the case in M.C.No.13 of 2014, pending on the file of the Judicial Magistrate at Rasipuram in Namakkal District, within a period of one week from the date of receipt of copy of this order.

With these above observations Criminal Original Petition stands dismissed.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

dh

To

1. The Judicial Magistrate,
Rasipuram, Namakkal District.

2. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.R.Asaithambi, Advocate Sr. 51294

+lcc to Mr.P.Lakshmi kanthan, Advocate Sr. 51800

CRL.O.P.No.15582 of 2016

KS(CO)
VR(03/08/2017)