

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2017

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

Crl.O.P.No.2526 of 2012

and

M.P.No.1 of 2012

1.Kamalakannan
S/o.Mathivanan

2.Anandan
S/o.Kannan ...Petitioners

Vs.

1.The State represented by
The Inspector of Police,
Kattumannarkoil Police Station,
Cuddalore District.

2.Seetharaman
S/o.Kannusamy ... Respondents

Criminal Original Petition filed under Section 407 of the Criminal Procedure Code praying to withdraw the case in C.C.No.63 of 2007 on the file of learned District Munsif cum Judicial Magistrate, Kattumannarkoil, and transfer the same to any other Metropolitan Magistrate at Chennai or any other Court at Chengleput, Kancheepuram District.

For Petitioners: Mr.R.Sankarasubbu

For Respondents: Mr.M.Mohammed Riyaz
Government Advocate
[Crl.side] [R1]
Mr.P.R.Thiruneelakandan [R2]

O R D E R

Petitioners seek transfer of C.C.No.63 of 2007 on the file of learned District Munsif cum Judicial Magistrate, Kattumannarkoil, to the file of any other Court.

2. Learned counsel for petitioners submits that as the second respondent is a practicing Advocate at Kattumannarkoil, a resolution has been passed by members of the Bar against any Advocate appearing on behalf of petitioners.

3. Learned counsel for second respondent contests such position and informs that merely because the complainant is an Advocate, the case should not be transferred.

4. Heard learned Government Advocate [Crl.side] on the above submissions.

5. Considering the rival submissions and facts and circumstances of the case, this Court transfers the case in C.C.No.63 of 2007 on the file of learned District Munsif cum Judicial Magistrate, Kattumannarkoil to the file of learned Judicial Magistrate II, Chengalpattu, who shall dispose of the case as expeditiously as possible.

The Criminal Original Petition is disposed of with the above direction. Connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

gm

To

1.The District Munsif cum Judicial Magistrate,
Kattumannarkoil.

2.The Judicial Magistrate II,
Chengalpattu.

3.The Inspector of Police,
Kattumannarkoil Police Station,
Cuddalore District.

4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.P.R.Thiruneelakandan,Advocate sr.18475

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pa(co)

ss(7/4/2017)