

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2017

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

CrI.O.P.No.8546 of 2016

Murugesan

... Petitioner

Vs

1. The Deputy Superintendent of Police,
Thiruvarur Division,
Thiruvarur District.
 2. The Inspector of Police,
Koothanallur Police Station,
Thiruvarur District.
 3. Lala @ Mugesh Anand
 4. Appu @ Vimal Sandhakumar
 5. Sekar @ Kattai Sekar
 6. Renuga
(R3 to R6 impleaded as per the order
of this Court dated 22.06.2016 in
CrI.MP No.6782 of 2016)
- Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to transfer the above case in CC No.122 of 2015 on the file of the learned Judicial Magistrate No.II, Mannargudi, Thiruvarur District to the file of the learned I Additional District and Sessions Judge, (PCR) Thanjavur to be tried along with the case in Spl.SC No.99 of 2015 which is pending on his file on the interest of justice, equity, fair play and fair trial and also for the sake and convenience of the parties in both cases.

For Petitioner	:	Mr.Swami Subramanian
For R1 and R2	:	Mr.C.Emalias, Addl. Public Prosecutor
For R3 to R6	:	notice served, no representation

ORDER

The present criminal original petition has been filed to transfer the case in CC No.122 of 2015 from the file of the learned Judicial Magistrate No.II, Mannargudi, Thiruvarur District to the file of the learned I Additional District and Sessions Judge, (PCR) Thanjavur to be tried along with the case in Spl.SC No.99 of 2015.

2. It is the case of the petitioner that his sister Latha has lodged a complaint against the respondents 3 to 6 herein on 17.02.2014, which was registered as FIR in Crime No.47 of 2014 on the file of the second respondent. In respect of the same occurrence, one Rajesh Anand has filed a complaint against the petitioner and another, which was registered as a counter case in Crime No.48 of 2014 on the file of the second respondent. Both the cases were investigated by the first respondent and final reports were filed before the learned Judicial Magistrate No.II, Mannargudi, Thiruvarur District. While the case in Crime No.47 of 2014 was taken on file as CC No.122 of 2015, the case in Crime No.48 of 2014 was committed to the learned I Additional District and Sessions Judge (PCR) Thanjavur and numbered as Spl.SC No.99 of 2015. Both the cases are pending for trial. Since both the cases were arising out of the same occurrence, the petitioner has sought for transfer of CC No.122 of 2015 to be tried along with Spl.SC No.99 of 2015 by filing the present petition.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents 1 and 2. Despite service of notice and the name of the contesting respondents having been printed in the cause list, none appears for the respondents 3 to 6.

4. Considering the facts and circumstances of the case and taking note of the fact that both the cases were arising out of the same occurrence, this Court, in the interest of justice and also for the convenience of the parties, is inclined to transfer the case as prayed for by the petitioner.

5. Accordingly, this Criminal Original Petition is disposed of by transferring the case in CC No.122 of 2015 from the file of the learned Judicial Magistrate No.II, Mannargudi, Thiruvarur District to the file of the learned I Additional

District and Sessions Judge, (PCR) Thanjavur to be tried along with the case in Spl.SC No.99 of 2015.

s/d-
Assistant Registrar (CS-VI)

//True Copy//

Sub-Assistant Registrar

To

1. The Judicial Magistrate No.II, Mannargudi,
Thiruvarur District.
 2. The I Additional District and Sessions Judge, (PCR) Thanjavur.
 3. The Deputy Superintendent of Police,
Thiruvarur Division,
Thiruvarur District.
 4. The Inspector of Police,
Koothanallur Police Station,
Thiruvarur District.
 5. The Public Prosecutor,
High Court, Madras.
- +1 CC to M/s. Swami Subramanian, Advocate sr 10036

Cr1.O.P.No.8546 of 2016

RP (CO)
sp/16/2

सत्यमेव जयते

WEB COPY