



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDARCRL.O.P.(MD)No.11323 of 2017andCrl.M.P.(MD)No.7777 of 2017

WEB COPY

1. Aayiram
2. Gopalakrishnan : Petitioners / Accused No.1 and 2

-Vs-

1. The State rep. by
The Inspector of Police,
Kangaikondan Police Station,
Tirunelveli,
Crime No.112 of 2014. : 1st Respondent / Complainant
2. Krishnan : 2nd Respondent / De-facto
complainant
3. Raviraja
4. Chinna Uikattan @ Makkan
5. Madasamy @ Aruva Madasamy : Respondents 3 to 5/Accused 3 to 5

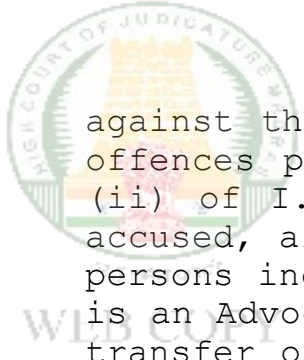
PRAYER: Criminal Original petition filed under Section 407 of Criminal Procedure Code, praying to withdraw the case in S.C.No.451 of 2017 on the file of the District and Sessions Judge, Tirunelveli and to transfer the same to some other Court outside Tirunelveli District.

For Petitioners	: Mr.K.Abiya
For Respondent 1	: Mr.K.Anbarasan
	Government Advocate (Crl. Side)
For Respondent 2	: Mr.K.Prabhu
For Respondents 3 to 5	: No appearance

O R D E R

This petition is filed to withdraw the case in S.C.No.451 of 2017 on the file of the District and Sessions Judge, Tirunelveli and to transfer the same to some other Court outside Tirunelveli District.

2.The second respondent is the de-facto complainant and on the complaint lodged by the second respondent / de-facto complainant, a case was registered in Crime No.112 of 2014 as



against the petitioners herein / Accused 1 and 2 for the alleged offences punishable under Sections 147, 148, 294(b), 307 and 506 (ii) of I.P.C. Though there are totally six persons arrayed as accused, after investigation, the case was registered against five persons including the petitioners. Since the de-facto complainant is an Advocate practising in Tirunelveli Bar, the petitioners seek transfer on the apprehension that they may not get justice if the case is tried by a Court in Tirunelveli. It is further stated that Tirunelveli Bar has passed a resolution to the effect that no Advocate shall appear for the petitioners in the criminal case. It is in these circumstances, the learned counsel appearing for the petitioners states that the petitioners were constrained to file this petition for transfer.

3.The learned counsel appearing for the de-facto complainant / second respondent herein has no objection for transferring the case to any other Court outside Tirunelveli District.

4.Having regard to the facts and circumstances of the case and the submission of the learned counsel appearing for the second respondent that he has no objection for transferring the case to any other Court in Tuticorin, the case in S.C.No.451 of 2017 on the file of the District and Sessions Judge, Tirunelveli is withdrawn and the same is transferred to the District and Sessions Judge, Tuticorin.This Crl.O.P. is allowed. Consequently, the connected Criminal Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AE)

/True copy/

Sub Assistant Registrar

To

1. The District and Sessions Judge,
Tirunelveli.

2. The District and Sessions Judge,
Tuticorin.

3. The Inspector of Police,
Kangaikondan Police Station,
Tirunelveli.

+ 1 CC TO MR.K.Abiya, ADVOCATE IN SR No.80595

+ 1 CC TO MR.K.Prabhu, ADVOCATE IN SR No.80482

srm

MK/KK/SAR-1/05.10.2017/2P/6C