



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2017

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P. (MD) No.14920 of 2017

and

Crl.M.P. (MD) No.9931 of 2017

Leema

... Petitioner/Accused

Vs.

State Rep. By

1.The Inspector of Police,
Mandaikadi Police Station,
Kanyakumari District.
(Crime No.66 of 2016)

... 1st Respondent/Complainant

2. Sheelang S Adalbert

... 2nd Respondent/Defacto complainant

PRAYER: Criminal Original Petition is filed under Section 407 of the Code of Criminal Procedure, to transfer the C.C.No.167 of 2017 on the file of the Judicial Magistrate, Eraniel, Kanyakumari District to any other Court in Valliyoor, Tirunelveli District and pass such other order.

For Petitioner : Mr.T.Selvakumaran

For R1 : Mr.K.Anbarasan
Government Advocate (Criminal side)

For R2 : No Appearance

O R D E R

The petitioner filed this petition under Section 407 of Cr.P.C, to transfer the C.C.No.167 of 2017 on the file of the Judicial Magistrate, Eraniel, Kanyakumari District to any other Court in Valliyoor, Tirunelveli District and pass such other order.

2. The petitioner filed a complaint against one Vino, alleging that the said Vino misbehaved with her daughter and on seeing the illegal activities of Vino, she filed a complaint before the respondent police. The respondent police registered a case in



F.I.R.No.228 of 2015. Thereafter, the second respondent/defacto complainant filed a complaint against the petitioner implicating the offences under Sections 294(b) and 506(ii) of IPC. in Crime No.66 of 2016, alleging that the petitioner and her husband used unparliamentary word against the second respondent, who is an Advocate by profession and his friend and thereby, the second respondent filed a complaint before the respondent police. The second respondent, being a practicing Advocate and member in Eraniel Bar Association, made a request to the Eraniel Bar Association to pass a resolution in favour of him. Thereby, on 21.04.2016 the Eraniel Bar Association passed a resolution, requesting the members of the Bar not to appear in Mandaikadu F.I.R in Crime No.66 of 2016, registered against the petitioner. In view of the said resolution, the petitioner is not able to engage an Advocate to defend her case effectively before the Eraniel Magistrate in C.C.No.167 of 2017 and therefore, she filed the present petition for transfer of this case to some other Court.

3.On perusal of the resolution, this Court satisfy that it is a fit case to transfer from the file of the learned Judicial Magistrate, Eraniel, Kanyakumari to the learned Judicial Magistrate, Valliyoor.

4.Accordingly, this Criminal Original Petition is allowed and the case in C.C.No.167 of 2017 pending on the file of the learned Judicial Magistrate, Eraniel, Kanyakumari is ordered to be transferred to the file of the learned Judicial Magistrate, Valliyoor and learned Judicial Magistrate, Eraniel, Kanyakumari District is directed to send all the records connected thereto to the learned Judicial Magistrate, Valliyoor forthwith. Consequently, connected M.P.(MD)No.9931 of 2017 is closed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/



To

1. The Judicial Magistrate, Eraniel,
Kanyakumari District.
2. The Judicial Magistrate,
Valliyoor, Tirunelveli District.
3. The Inspector of Police,
Mandaikadi Police Station,
Kanyakumari District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.T.SELVAKUMARAN, Advocate SR.No.93692.

Crl.O.P. (MD) No.14920 of 2017
and
Crl.M.P. (MD) No.9931 of 2017
19.12.2017

das

SDS/SV:MMS/SAR 1/19.12.2017/3P/6C