



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.05.2017

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THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P. (MD) No.13449 of 2016 and

Crl.M.P. (MD) No.6271 of 2016

A.Chithra ... Petitioner/Accused

-vs-

Kesavan ... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to transfer the case in S.T.C.No.837 of 2012 on the file of the learned Judicial Magistrate No.IV, Madurai to Fast Track Court (Magisterial Level) Thoothukudi.

For Petitioner : Mr.S.Poorna Chandran

O R D E R

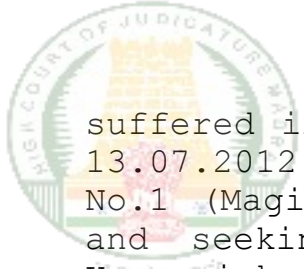
This petition has been filed to transfer the case in S.T.C.No.837 of 2012 on the file of the learned Judicial Magistrate No.IV, Madurai to Fast Track Court (Magisterial Level) Thoothukudi.

2. For the sake of convenience, the parties are referred to as the complainant and the accused.

3. The complainant has launched a prosecution, which is now pending in STC No.837 of 2012 on the file of the learned Judicial Magistrate, Fast Track Court No.1 (Magisterial Level), Madurai against the accused for the offence under Section 138 of N.I.Act. The accused has filed the present petition for transfer of the case, on the ground that the accused, being a lady, was assaulted by the complainant on the instigation of her ex-husband, Kamaraj in the Court premises on 12.07.2012.

4. Notice was served on the complainant / respondent in this transfer petition and he has not engaged any counsel and therefore, his name is printed in the cause list.

5. On a perusal of the records, it is seen that on 12.07.2017, the accused was attacked in the Court complex and she was admitted in the Government Rajaji Hospital, where she was examined by Dr.N.Kadar Maideen and the Accident Register, a copy of which is annexed in the typeset of papers, shows that she



suffered injuries. The accused has also given a representation on 13.07.2012 to the learned Judicial Magistrate, Fast Track Court No.1 (Magisterial Level), Madurai, narrating the entire incident and seeking protection. She has alleged that her ex-husband Kamaraj had set up the complainant Kesavan and another Advocate to assault her and their main intention is to prevent her from appearing before the Trial Court, so that a warrant could be issued against her and she can be arrested.

6. There appears to be sufficient force in the contention raised by the learned counsel for the petitioner and therefore, this Court is of the view that the case at hand is required to be transferred to some other Court.

7. Accordingly, this Court transfers the case in S.T.C.No.837 of 2012 on the file of the learned Judicial Magistrate, Fast Track Court No.1 (Magisterial Level), Madurai to the file of learned Judicial Magistrate No.II, Sattur, Virudhunagar District. The learned Judicial Magistrate, Fast Track Court No.1 (Magisterial Level), Madurai is directed to send all the records relating to S.T.C.No.837 of 2012 to the learned Judicial Magistrate No.II, Sattur, Virudhunagar District, within a period of two weeks from the date of receipt of a copy of this order. The complainant and the accused shall also be informed about the transfer, so that they can appear before the learned Judicial Magistrate No.II, Sattur, Virudhunagar District.

8. This petition is ordered on the above terms. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar

To:

- 1.The Judicial Magistrate No.II,
Sattur, Virudhunagar District.
2. The learned Judicial Magistrate,
Fast Track Court No.1 (Magisterial Level),
Madurai.
3. The Judicial Magistrate No.IV,
Madurai.

+1cc to M/s.S.POORNA CHANDRAN Advocate in SR. No.55654
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