



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.09.2017

CORAM

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Crl.O.P.(MD) No.7071 of 2016

1.S.Lawrence

2.S.Paul

...Petitioners/ Accused Nos.1 and 2

-Vs-

1.State of Tamil Nadu Represented by

The Inspector of Police,

Karungal Police Station,

Kanyakumari District.

(Crime No.607 of 2013)

Now C.C.No.174/15

... 1st Respondent/Complainant

2.Maria Arul Doss

... 2nd Respondent/ De-facto Complainant

(R2 was impleaded as per the order of this Court made in Crl.M.P. (MD) No.10025 of 2016 in Crl.O.P.(MD) No.7071 of 2016 dated 01.09.2017)

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to transfer the criminal case in C.C.No.174 of 2015 pending on the file of the learned Judicial Magistrate Court, Eraniel, Kanyakumari District to learned Judicial Magistrate Court, Valliyoor, Tirunelveli District or any other similar Court in Tirunelveli District.

For Petitioner : Mr.S.Titus

For R1 : Mr.K.Anbarasan,
Government Advocate(Crl. Side)

For R2 :Mr.S.Palanivelayutham

O R D E R

This Criminal Original Petition has been filed for transferring the criminal case in C.C.No.174 of 2015 pending on the file of the learned Judicial Magistrate Court, Eraniel, Kanyakumari District to learned Judicial Magistrate Court, Valliyoor, Tirunelveli District or any other similar Court in Tirunelveli District.

<https://hcservices.courtservice.in/hcservices>
2. The transfer petition is only on account of the reason that the de-facto complainant, namely, the second respondent is a practising advocate and that the Bar Association of Eraniel Court



has passed a resolution to the effect that no advocate should appear for the petitioner to defend their case. It is only because, there is no advocate at Eraniel to appear for the petitioner, the petitioners state that they were constrained to file this petition for transfer.

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3.The learned Counsel appearing for the second respondent submitted that he has no objection for transferring the case to any other Judicial Magistrate at Nagercoil.

4.Having regard to the specific averments made in the petition, this Court is inclined to allow this petition. Accordingly, this Criminal Original Petition is allowed and the criminal proceedings in C.C.No.174 of 2015 pending on the file of the learned Judicial Magistrate, Eraniel, Kanyakumari district is withdrawn and transferred to the learned Judicial Magistrate No.I, Nagercoil, Kanyakumari district.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

- 1.The Inspector of Police,
Karungal Police Station,
Kanyakumari District.
- 2.The Judicial Magistrate No.I,
Nagercoil, Kanyakumari district.
- 3.The Judicial Magistrate, Eraniel,
Kanyakumari district.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.S.RAMAKRISHNAN, Advocate SR.No. 78937

Cr1.O.P.(MD) No.7071 of 2016
13.09.2017

CMR

JM/SKN RSK/SAR 1/03.10.2017/2P/6C