



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2017

CORAM

WEB COPY

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

**Crl.O.P. (MD) No.11302 of 2013 and
MP(MD) Nos.1 and 2 of 2013**

Palanivel @ Baskar : Petitioner/Sole Accused

-vs-

1.The Inspector of Police
Ganesh Nagar Police Station,
Pudukottai. : Respondent/Respondent

2.Saranya : Respondent/Defacto Complainant

Prayer: Petition is filed under Section 482 of Code of Criminal Procedure praying to withdraw the chargesheet in C.C.No.42/2013 on the file of the Judicial Magistrate, Pudukottai and transfer the same to any Judicial Magistrate Court at Tiruchirappalli.

For Petitioners : Mr.R.Babu Jaganath

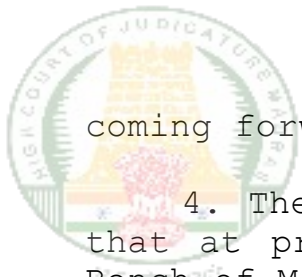
For Respondents : Mr.A.P.Balasubramani
Government Advocate (Crl. side)

O R D E R

On the complaint lodged by Saranya, the respondent police registered a case in Crime No.516/2012 and after completing the investigation, has filed the chargesheet in C.C.No.42/2013 before the Judicial Magistrate, Pudukottai for offences under Sections 341, 294(b), 323 and 506(i) IPC read with Section 4 of Tamil Nadu Prohibition of Harassment of Women Act against the petitioner/accused herein. For transferring which, the petitioner is before this Court.

2.Heard the learned counsel for the accused; the learned Government Advocate for the respondents and the learned counsel for the de-facto complainant.

3.The learned counsel for the accused submitted that the defacto complainant Saranya is an Advocate practising in Pudukottai and therefore, the accused will not get a fair trial before the Judicial Magistrate, Pudukottai, since no Advocate is



coming forward to appear for the accused.

4. The learned counsel for the de-facto complainant submitted that at present Saranya has shifted her practice to the Madurai Bench of Madras High Court, Madurai.

5. It is also brought to the notice of this Court that the accused is none other than the husband of Saranya and there are matrimonial cases pending between them in Pattukottai.

6. In view of the above, this Court is of the view that it will serve the interest of justice, if C.C.No.42/2013 is transferred from Judicial Magistrate, Pudukottai. Accordingly, this Court directs the transfer of C.C.No.42/2013 from Judicial Magistrate, Pudukottai to Judicial Magistrate, Pattukottai and the learned Judicial Magistrate, Pudukottai is directed to send the records in C.C.No.42/2013 to the Judicial Magistrate, Pattukottai within two weeks from the date of receipt of a copy of this order. The petitioner/accused shall not wait for fresh summons from the Judicial Magistrate, Pattukottai. He is directed to surrender before the Judicial Magistrate, Pattukottai on or before 25.04.2017 and furnish a bond under Section 88 Cr.P.C. for Rs.10,000/- without sureties.

7. With the above direction, this petition is disposed of. Consequently connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

To:

1. The Judicial Magistrate, Pattukottai.
2. The Judicial Magistrate, Pudukottai.
3. The Inspector of Police.
Ganesh Nagar Police Station,
Pudukottai.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 cc to Mr.R.Babu Jeganath , Advocate in SR.No. 18414

+1 cc to Mr.K.Balasundharam , Advocate in SR.No. 19332

RR

AE/SKN RSK/SAR2/05.04.2017/2P/7C