

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 24.10.2018

PRONOUNCED ON : 02.11.2018

CORAM :

THE HONOURABLE MR.JUSTICE P.N. PRAKASH

Criminal Original Petition No.5772 of 2016
and CrI.M.P.No.2995 of 2016

Dr.S.Senthilkumar Petitioner/Accused No.1

Vs.

1 State rep by
The Sub Inspector of Police
Namakkal Police Station
Namakkal, Namakkal District.

2 N.Sekar ... Respondents/Compliant/defecto complainant

Prayer:- Petition filed under Section 482 Cr.P.C., to withdraw the case in C.C.No.317 of 2014 on the file of the Judicial Magistrate Court No.I, Namakkal and transfer the case to any other competent Court of nearby District.

For Petitioner : Mr.N.Jothi
for Mr.M.Saravana Kumar

For R1 : Mrs.M.Prabhavathi
Additional Public Prosecutor

For R2 : Mr.S.Anantha Narayanan
Senior Counsel
for Mr.C.D.Johnson

O R D E R

This petition has been filed to withdraw the case in C.C.No.317 of 2014 on the file of the Judicial Magistrate Court No.I, Namakkal and transfer the same to any other competent Court of nearby District.

2. On the complaint lodged by Sekar, Advocate, the police registered a case in Cr.No.130 of 2014 on 07.02.2014 and after completing the investigation, filed a charge sheet in C.C.No.317 of 2014 before the Judicial Magistrate No.I, Namakkal for the offences under Sections 294(b) and 506(i) IPC, for transferring

which, Dr.Senthil Kumar [A1] is before this Court.

3. Heard Mr.N.Jothi, learned counsel representing Mr.M.Saravana Kumar, learned counsel on record for Dr.Senthil Kumar, Mrs.M.Prabhavathi, learned Additional Public Prosecutor for the first respondent-State and Mr.S.Anantha Narayanan, learned Senior Counsel representing Mr.C.D.Johnson, learned counsel on record for the de facto complainant.

4. Mr.N.Jothi, learned counsel submitted that Sekar, his brother Krishnan and his wife Suguna are practising Advocates in Namakkal District and are members of the Namakkal Bar Association, on account of which, no lawyer is coming forward to effectively defend Dr.Senthil Kumar from the local Bar. In fact, in a connected case in Nallipalayam P.S. Cr.No.833 of 2012, registered at the instance of Krishnan, Dr.Senthil Kumar was arrested and no Advocate from the local Bar came forward to file bail application on his behalf. Dr.Senthil Kumar had to bring an Advocate from the adjoining Erode Bar. Hence, the petitioner prays for transfer of the case from Namakkal District.

5. Mr.Anantha Narayanan, learned Senior Counsel for Sekar [de facto complainant] submitted that they have no objection if the matter is transferred from Namakkal.

6. Recording his submission and taking into consideration the facts and circumstances of the case and also bearing in mind the fact that the de facto complainant is an Advocate of the local Bar, the case in C.C.No.317 of 2014 is transferred from the Court of the Judicial Magistrate No.I, Namakkal to the Court of the Chief Judicial Magistrate, Salem. The Judicial Magistrate No.I, Namakkal shall send all the records to the Chief Judicial Magistrate, Salem on a particular date and on that date, the accused shall appear before the Chief Judicial Magistrate, Salem. The Chief Judicial Magistrate, Salem is directed to expeditiously complete the trial after the receipt of the records from the Judicial Magistrate No.I, Namakkal.

Accordingly, this petition is ordered. Consequently, connected miscellaneous petition is closed.

sd/-

Assistant Registrar(CS-VI)

//True copy//

Sub Assistant Registrar

gms

To

1. The Sub Inspector of Police
Namakkal Police Station
Namakkal, Namakkal District.
2. The Judicial Magistrate No.I,
Namakkal
3. The Chief Judicial Magistrate,
Salem.
4. The Public Prosecutor
High Court, Madras.

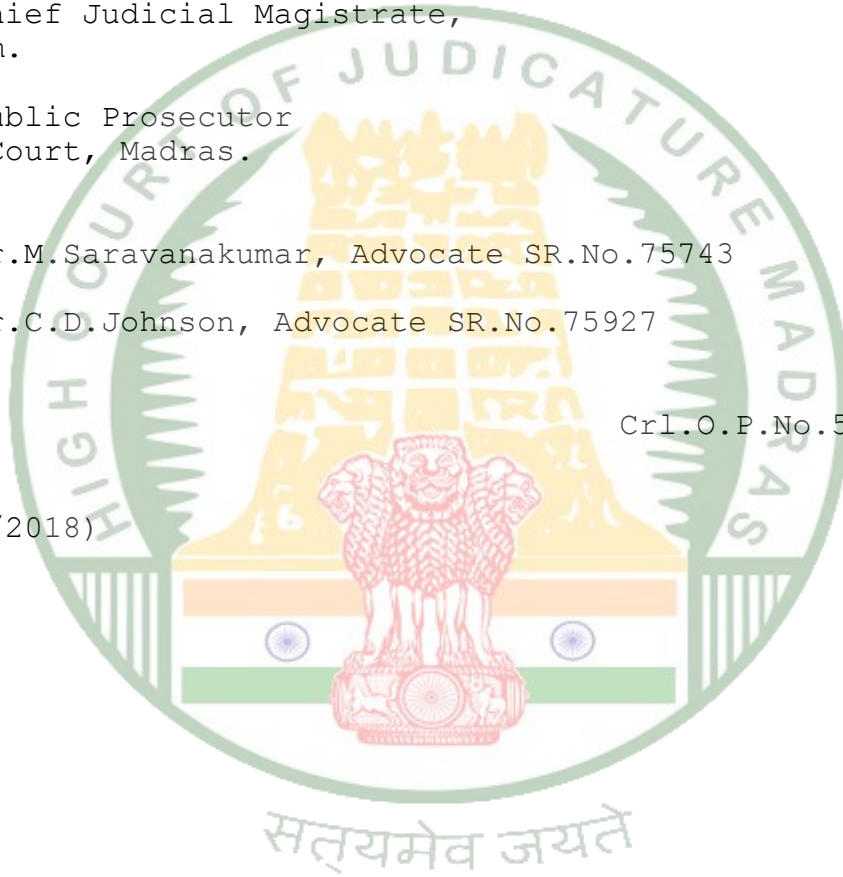
+5cc to Mr.M.Saravanakumar, Advocate SR.No.75743

+1cc to Mr.C.D.Johnson, Advocate SR.No.75927

CrI.O.P.No.5772 of 2016

RJ (CO)

GMV (15/11/2018)



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