

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.06.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.OP.No.1864 of 2018

E.Raja

..Petitioner/Accused

Vs

1.State rep. by

The Sub Inspector of Police, (SPL)

Perambalur Police Station,

Perambalur.

...1st Respondent/Complainant

2.D.Durairaj

...2nd Respondent/Defacto Complainant

Criminal Original Petition filed under Section 482 Cr.P.C., praying for a direction to transfer the case pending in C.C.No.162 of 2016 on the file of the Judicial Magistrate Court, Perambalur to Judicial Magistrate Court No.I, Namakkal.

For Petitioner : Mr.V.Johnson Yuvaraj

For 1st Respondent : Ms.P.Kritika Kamal, GA [Crl. Side]

For 2nd Respondent : Ms.L.Lakshmi Swaroopa

O R D E R

This petition has been filed to transfer the case in C.C.No.162 of 2016 from the file of Judicial Magistrate Court, Perambalur to the file of Judicial Magistrate Court No.I, Namakkal.

2.Heard the learned counsel appearing for the petitioner; the learned Government Advocate [Crl. Side] appearing for the 1st respondent and the learned counsel appearing for the 2nd respondent.

3.The petitioner is facing prosecution in C.C.No.162 of 2016 before the Judicial Magistrate, Perambalur for the offences under Section 294[b] and 506[i] IPC. It is the case of the prosecution that the petitioner was married to Vijaya Rekha, who committed suicide within seven years of marriage, on account of which, the petitioner is now facing prosecution in S.C.No.6 of 2015 for the offence under Section 304B IPC before the Mahila Court, Namakkal. The case having been transferred from Salem to Namakkal, on the orders of this Court in Crl.O.P.Nos.3733 of 2015 and 13742 of 2016 dated 21.07.2016. While so, it appears that there was a ruckus in Perambalur, when the petitioner came to visit his child to his in-laws house. Pursuant to which, the above case was registered against the petitioner and he is facing prosecution as stated above. Under such circumstances, the petitioner is before this Court seeking transfer of C.C.No.162 of 2016 from the file of Judicial Magistrate Court, Perambalur to any other

4. Admittedly, Mr. Durairaj, the de facto complainant, who has been cited as L.W.1 is a senior lawyer practicing in Perambalur, under whom two witnesses namely, Panneerselvam - L.W.6 and Radha - L.W.7 are also practicing. The petitioner is also an Advocate who is practicing in Salem district. All these factors came in the mind of this Court, when the case under Section 304B was transferred to Namakkal District.

5. In such view of the matter, interest of justice will be served, if this case is also transferred to Namakkal District, to be tried by Judicial Magistrate-I, Namakkal. Accordingly, this Court directs the transfer of C.C.No.162 of 2016 from the file of the Judicial Magistrate Court, Perambalur to the file of the Judicial Magistrate Court-I, Namakkal. The learned Judicial Magistrate, Perambalur shall send the records to the Judicial Magistrate Court-I, Namakkal on or before 23.07.2018. The petitioner shall appear before the Judicial Magistrate-I, Namakkal at 10.30 a.m. on 23.07.2018.

With the above direction, this petition is ordered accordingly.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Sub Inspector of Police,
Perambalur Police Station,
Perambalur.

2. The Public Prosecutor,
High Court, Madras.

3. The Judicial Magistrate-I,
Namakkal.

4. The Judicial Magistrate,
Perambalur.

+1cc to Mr.S.Ashokkumar, Advocate Sr.No.37822

sm:21.6.2018

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