

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.08.2018

CORAM:

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

Cr1.O.P.No.27235 of 2016
and M.P.No.13815 of 2016

R.Senthil

... Petitioner

Vs.

S.Manimegalai

... Respondent

PRAYER: Criminal Original Petition filed under Section 407 Criminal Procedure Code praying to withdraw STC.No.496 of 2016 pending on the file of the District Munsif cum Judicial Magistrate, Valparai and transfer the same to Judicial Magistrate No.1, Palani.

For Petitioner : Mr.M.Mariappan

For Respondents : Mr.K.Sudhakar

ORDER

This petition is filed to withdraw STC.No.496 of 2016 pending on the file of the District Munsif cum Judicial Magistrate, Valparai and transfer the same to the Judicial Magistrate No.1, Palani.

2. The main contention of the petitioner/accused is that both the respondent/complainant and her brother are practicing advocates in Judicial Magistrate Court, Valparai and that if the case in STC.No.496 of 2016 is tried before the District Munsif cum Judicial Magistrate, Valparai he would not get justice. It is further contended that both the respondent/complainant and her brother are frequently threatening the accused/petitioner by telling that since they belong to local bar they would definitely win the case.

3. Per contra, the learned counsel for the respondent submitted that the respondent/complainant is a widow and her brother is taking care of her. He further submitted that if the case in STC.No.496 of 2016 is transferred to Judicial Magistrate No.1, Palani the respondent/complainant would be facing hardship.

4. At the outset, it may be observed that the petitioner apprehends that he would not get a fair and impartial justice if the case in STC.No.496 of 2016 is tried before the District Munsif cum Judicial Magistrate, Valparai, since the complainant and her brother are practicing advocates in Judicial Magistrate Court, Valparai. The learned counsel for the respondent/complainant in all his fairness contended that since the Judicial Magistrate Court, Palani is 100 kms away from Valparai, the STC.No.496 of 2016 can be transferred to the Judicial Magistrate, Pollachi to meet the ends of justice. Considering the submissions made by both sides the present petition is disposed of with the following observation:-

The STC.No.496 of 2016 is withdrawn from the file of the District Munsif cum Judicial Magistrate, Valparai and transferred to the file of the Judicial Magistrate No.I, Pollachi, and the learned Judicial Magistrate No.I, Pollachi is directed to dispose of the case within a period of three months from the date of receipt of a copy of this order.

5. Accordingly the criminal original petition is disposed of. Consequently connected miscellaneous petition is also closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

dpq

To

1. The District Munsif cum Judicial Magistrate Court, Valparai.
2. The Judicial Magistrate I Court, Palani.
3. The Judicial Magistrate I Court, Pollachi.

4. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.K.Sudhakar, Advocate sr.no.55585
+lcc to Mr.N.Chinnaraj, Advocate sr.no.55732

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nr 17/09/2018



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