



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.11.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.(MD).No.20297 of 2018
and
Crl.M.P(MD)No.9366 of 2018

A.Dhesikan
S/o Anancha Peruamal
No.25, Krishna Nagar,
4th Street, Kolathur,
Chennai.
At present living at
No.10, Farmington Drive
Shrewsbury MA,
USA 01545,
rep. by his Power of Attorney,
Arumuga Perumal
S/o Ayyam Perumal,
No.12, Pathala Madon Kovil Street,
Palayamkottai,
Tirunelveli.

... Petitioner

Vs.

The State rep. by its
The Sub Inspector of Police,
Kottar Police Station,
Kanyakumari District.

... Respondent

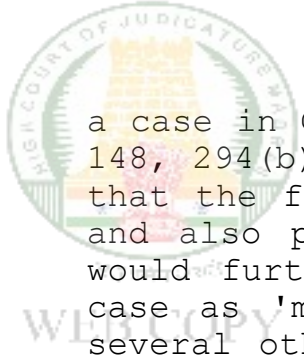
PRAYER: Criminal Original Petition filed under Section 407 of the Cr.P.C., to transfer the proceedings in R.C.No.46 of 2018 on the file of the learned Judicial Magistrate No.2, Nagercoil to any other Court at Tirunelveli District.

For Petitioner	: Mr.R.Pon Karthikeyan
For Respondent	: Mr.A.Robinson
	Govt. Advocate (crl.side)

O R D E R

The petition has been filed to transfer the proceedings in R.C.No.46 of 2018 now pending on the file of the Judicial Magistrate No.2, Nagercoil to any other Court at Tirunelveli District.

2. The learned counsel for the petitioner would submit that the petitioner had filed a complaint against one Ashokan and 5 others and on the basis of the complaint, the respondent police registered



a case in Crime No.666 of 2017 for the offences under Sections 147, 148, 294(b), 352, 427, 447 & 506(ii) IPC. He would further submit that the first accused is a practicing Advocate in Nagercoil Court and also practicing in other Courts in Kanyakumari District. He would further submit that the respondent police has referred the case as 'mistake of fact'. He would submit that there are also several other civil litigations pending between the petitioner and the accused and with very great difficulty, the petitioner is contesting the case against the said Advocate. He would further submit that the petitioner has to engage an Advocate to contest the protest petition and that there is a reasonable apprehension that no Advocates in Kanyakumari District would appear for him and that Advocates from other Districts are reluctant to appear before Court in Kanyakumari District against the Advocates practicing in Kanyakumari District and in such circumstances, the petitioner is handicapped to contest the present petition, which is posted on 13.11.2018 before the learned Judicial Magistrate No.2, Nagercoil and would seek for transfer.

3.Taking into consideration the facts and circumstances of the case, without going into the merits of the case, this Court directs the transfer of the case in R.C.No.46 of 2018 along with the connected records from the file of the Judicial Magistrate No.2, Nagercoil to the file of the Judicial Magistrate, Valliyoor, who shall enquire the protest petition and pass orders in accordance with law.

4.The Criminal Original Petition is disposed of with the above direction. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1. The Judicial Magistrate No.2, Nagercoil.
2. The Judicial Magistrate, Valliyoor.
3. The Sub Inspector of Police,
Kottar Police Station,
Kanyakumari District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC TO Mr.R.PON KARTHIKEYAN, ADVOCATE IN SR NO.95139

SKN

KK/PM/SAR-IV : 20/12/2018: 3P/6C