



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.09.2018

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD) .No.10446 of 2014

and

M.P. (MD) Nos.1 and 2 of 2014

R.Ramalingam

..Petitioner/Complainant

Vs.

R,Murugesan

..Respondent/Accused

PRAYER: This Criminal Original Petition has been filed under Section 407 of Criminal Procedure Code, to withdraw the case in C.C.No.125 of 2011 on the file of the Judicial Magistrate No.VI, Trichy and transfer to Fast Tract Court No.I (Magisterial Level), Madurai.

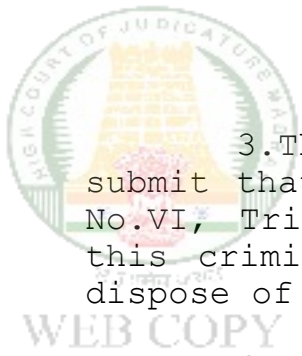
For Petitioner : Mr.S.J.Chakkaravarthy
for M/S.Eddy and Emboss Law Firm.

For Respondent : Mr.S.Venkatesh

O R D E R

This criminal original petition has been filed to withdraw the case in C.C.No.125 of 2011 on the file of the Judicial Magistrate No.VI, Trichy and transfer to Fast Tract Court No.I (Magisterial Level), Madurai.

2.The learned counsel for the petitioner would submit that this Court in Crl.O.P(MD).No.11606 of 2010 was pleased to transfer the S.T.C.No.253 of 2010 on the file of the Judicial Magistrate No.I, Madurai to the Judicial Magistrate No.VI, Trichy(Renumbered as C.C.No.125 of 2011). Further, this Court directed the learned Judicial Magistrate No.VI, Trichy to dispose of the case within a period of six months from the date of receipt of a copy of this order. Even after completion of three years, the learned Magistrate has not taken the case for trial and hence, again he seeks to transfer the case from Judicial Magistrate No.VI, Trichy to some other Court.



3.The learned counsel appearing for the respondent would submit that the trial was commenced before the Judicial Magistrate No.VI, Trichy in C.C.No.125 of 2011. Only because of pendency of this criminal original petition, the learned Magistrate could not dispose of the case as directed by this Court.

4.Considering the facts and circumstances of the case, the present petition for seeking transfer of C.C.No.125 of 2011 cannot be considered at this stage, since already trial commenced. As rightly pointed out by the learned counsel for the respondent that only because of the pendency of this petition, the trial has been stalled. Therefore, this Court deem it fit to direct the learned Judicial Magistrate No.VI, Trichy to complete the trial process and dispose the case pertaining to C.C.No.125 of 2011 within a period of 3 months from the date of receipt of a copy of this order.

5.With this direction, this criminal original petition is disposed of. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS-I)

To

1.The Judicial Magistrate No.VI, Trichy

+1 CC To MR.S.J.CHAKKARAVARTHY, Advocate SR. NO. 86198

**Cr1.O.P. (MD) .No.10446 of 2014
and
M.P. (MD) Nos.1 and 2 of 2014
19.09.2018**

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