



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

Cr1.O.P.(MD) No.1603 of 2018
and
Cr1.M.P(MD) .No.684 of 2018

1.Raj

2.Mariappan

..Petitioners/ Accused Nos.1 & 2

-Vs-

1.State represented by

The Inspector of Police,

Tirunelveli Town Police Station,

Tirunelveli.

(Cr.No.274 of 2017)

... 1st Respondent/ Complainant

2.Subramanian

...2nd Respondents/Defacto Complainant

Prayer: Criminal Original petition filed under Section 407 of Code of Criminal Procedure, to withdraw the case in C.C.No.153 of 2017 on the file of the Judicial Magistrate No.IV, Tirunelveli and to transfer the same to some other competent Court outside the Tirunelveli District.

For Petitioners

:M/s.K.Abiya

For Respondents

:Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Cr1.side)
for R1
Mr.Subashbabu
For R2

ORDER

This petition has been filed by the accused Nos.1 and 2 to transfer the case in C.C.No.153 of 2017 from the file of the Judicial Magistrate No.IV, Tirunelveli to any other Court outside the Tirunelveli District.

2.The learned counsel for the petitioner has submitted that the second respondent/ defacto complainant is an advocate practising at Tirunelveli. He further submitted that the Bar Association of the Tirunelveli has passed a resolution that no one should appear for the petitioners and hence, the petitioners are not able to defend their case effectively. Therefore, he requests to transfer the aforesaid case to some other Court outside the Tirunelveli District.

3.The learned Government Advocate (Crl.side) has not raised any serious objection. The learned counsel for the second respondent has submitted that no such resolution has been passed by the Bar Association, Tirunelveli, and hence, he opposed this petition.

4.Considering the fact that the first respondent has stated in his affidavit that the Bar Association, Tirunelveli, has passed a resolution that no one should appear to defend the petitioners, this Court is of the view that in the interest of justice, the case in C.C.No.153 of 2017 is to be withdrawn from the file of the Judicial Magistrate No.IV, Tirunelveli, and transferred to some other Court outside the Tirunelveli District.

5.In the result, this petition is allowed. The case in C.C.No.153 of 2017 is withdrawn from the file of the Judicial Magistrate No.IV, Tirunelveli and transferred to the Judicial Magistrate No.I, Thoothukudi for disposal in accordance with law. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

- 1.The Judicial Magistrate No.IV,
Tirunelveli.
- 2.The Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

The Judicial Magistrate No.I,
Thoothukudi.

+1CC to M/s.K.Abiya, Advocate, SR.No. 53465

+1CC to Mr.M.Subash Babu, Advocate, SR.No. 53762

Crl.O.P.(MD) No.1603 of 2018

07.03.2018

rmk

<https://hcservices.ecourts.gov.in/hcservices/>

AM/RRR/SAR 1/26.03.2018/2P/7C