



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:14.02.2018
CORAM:

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

WEB COPY

CRL.O.P.(MD)No.14089 of 2014
and
M.P.(MD) No.1 of 2014

1.Malathi

2.Usha

... Petitioners

-Vs-

K.M.Parvathi

... Respondent

PRAYER: Criminal Original petition filed under Section 407 of Criminal Procedure Code, to withdraw the case in M.C.No.7 of 2012, on the file of the learned Judicial Magistrate No.IV, Trichy, and to transfer the same to any learned Judicial Magistrate at Thanjavur.

For Petitioners	: Mr.S.Chellapandian
For Respondent	: Mr.A.N.Ramanathan

O R D E R

This Criminal Original petition has been filed by the petitioners, to transfer the case in M.C.No.7 of 2012, from the file of the learned Judicial Magistrate No.IV, Trichy, to transfer to any of the Judicial Magistrates at Thanjavur District.

2.The learned counsel appearing for the petitioners has submitted that the respondent herein has filed M.C.No.7 of 2012, under the Domestic Violence Act. He further submitted that the petitioners herein are sisters of the respondent's husband and the respondent's husband is working in abroad and the Domestic Violence Act will not attract for the petitioners. He further submitted that the petitioners are diabetic persons and they are not able to travel to Trichy for every hearing and therefore, the case in M.C.No.7 of 2012 may be transferred to any of the learned Judicial Magistrate at Thanjavur District.

3.The learned counsel appearing for the respondent has submitted that the respondent is having two children and she is residing in Trichy town and if the aforesaid case is transferred to Thanjavur, that would cause hardship to her to travel to Thanjavur and hence, he opposed the contention of the learned counsel for the petitioners.

4.Considering the aforesaid submissions, the respondent is having two children and she is residing in Trichy District and if



the aforesaid case is transferred to Thanjavur, it would cause inconvenience to her and therefore, this Criminal Original Petition is liable to be dismissed.

5. In the result, this Criminal Original Petition is dismissed. However, taking into consideration, the representation made by the learned counsel for the petitioners that the petitioners are also woman and they are diabetic persons, their personal appearance before the Trial Court is dispensed with, unless their appearance is ordered by the concerned learned Judicial Magistrate.

6. Considering the fact that the above case is pending from the year 2012, the concerned learned Judicial Magistrate is directed to dispose of the aforesaid case within a period of four months from the date of receipt of copy of this order. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No. IV,
Trichy.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.A.N.Ramanathan, Advocate SR.No. 48803

CRL.O.P.(MD)No.14089 of 2014
14.02.2018

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JM/SKN RSK/SAR 4/15.03.2018/2P/4C