



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2018

CORAM

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THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

Crl.OP.(MD) No.834 of 2018

and

Crl.MP(MD)No.368 of 2018

G.Shakespeare

... Petitioner

-Vs-

1.The Sub-Inspector of Police,
Vallioor Police Station,
Tirunelveli District.

... Respondent/Complainant

2.Joseph Raja Jegan

...Respondent/Defacto complainant

Prayer: Criminal Original Petition filed under Section 407 Cr.P.C., to transfer the C.C.No.103/2014 on the file of the Learned Judicial Magistrate Court, Vallioor at Tirunelveli District to the learned Judicial Magistrate Court, Sathankulam at Thoothukudi District.

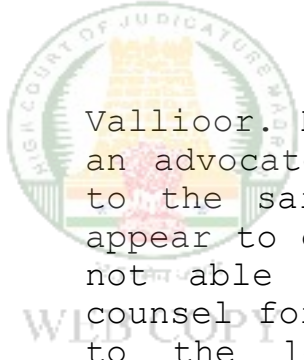
For Petitioner : Mr.M.Laxmi Mahendraa

For 1st Respondent : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Crl.side)

O R D E R

This petition has been filed by the accused to transfer the C.C.No.103/2014 from the file of the Learned Judicial Magistrate, Vallioor at Tirunelveli District to the learned Judicial Magistrate Court, Sathankulam at Thoothukudi District.

2.The learned counsel for the petitioner has submitted that the second respondent is an Advocate practicing at Vallioor. The second respondent gave a complaint against the petitioner herein. Based on the said complaint, the first respondent had registered a case in Crime No.27/2013 under Sections 448, 294(b), 506(ii) of I.P.C and subsequently charge sheet has also been filed and based on the said charge sheet, the case has been taken on file in C.C.No.103/2014, on the file of the learned Judicial Magistrate,



Vallioor. He further submitted that since the second respondent is an advocate practicing at Vallioor, the Bar Association, attached to the said courts has passed a resolution that no one should appear to defend the petitioner herein and hence the petitioner is not able to conduct the case effectively. Hence the learned counsel for the petitioner requests to transfer the aforesaid case to the learned Judicial Magistrate, Sathankulam, Thoothukudi District.

3.The learned Government Advocate (Crl.Side) has not raised any serious objections.

4. Proof of service has been filed. But, the second respondent did not appear either in person or through counsel.

5.Considering the fact that the second respondent, being the defacto complainant, is an Advocate practicing in the Courts at Vallioor and also the fact that the Bar Association attached to the said Courts has passed a resolution that no Advocate should appear to defend the petitioner herein and also the fact that even after receipt of the notice, the second respondent has not chosen to appear before this Court, I am inclined to allow this petition.

6.In the result this Criminal Original Petition is allowed. The case in C.C.No.103/2014 is withdrawn from the file of the learned Judicial Magistrate, Vallioor, Tirunelveli District and transferred to learned Judicial Magistrate, Sathankulam, Thoothukudi District for disposal in accordance with law. Consequently, connected MP(MD)No.368 of 2018, is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1.The Judicial Magistrate Court, Vallioor,
Tirunelveli District.

2. The Sub-Inspector of Police,
Vallioor Police Station,
Tirunelveli District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,



4. The Judicial Magistrate Court,
Sathankulam,
Thoothukudi District.

+1 cc TO M/S.M.Laxmi Mahendraa , Advocate in SR No. 45265

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das/smi

AE/RSK/SAR1/12.02.2018/3P/6C

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and
MP (MD) No.368 of 2018
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