



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.18425 of 2015

and

M.P.(MD) No.1 of 2015

1.P.Vasantha

2.Minor Iniyan

3.Minor Ilamukilan ... Petitioners/Petitioners
2 & 3 represented by mother and natural
Guardian P.Vasantha 1st petitioner herein

-Vs-

1.M.Senthilkumar

2.S.Madasamy

3.M.Amaravathi @ Vijayalakshmi

4.M.Subathra

... Respondents/Respondents

PRAYER: Criminal Original petition filed under Section 407 of Criminal Procedure Code, to withdraw and transfer the case in M.C.No.62 of 2014 from the file of learned Mahila Court at Tiruchirappalli to learned Judicial Magistrate at Bodinayakanur.

For Petitioners : Mr.R.Narayanan

ORDER

This Criminal Original petition has been filed by the petitioners to transfer the case in M.C.No.62 of 2014 from the file of the learned Mahila Court (Judicial Magistrate), Tiruchirappalli to the file of the learned Judicial Magistrate Court, Bodinayakanur.

2.The learned counsel appearing for the petitioners has submitted that since the respondents herein have committed domestic violence, the petitioner has sent a complaint to the Superintendent of Police, Tiruchirappalli and the said complaint subsequently forwarded to Social Welfare Officer and the said Officer has filed a report and based on the said report, the learned Mahila Court (Magistrate Level), Tiruchirappalli, has taken a case on file in M.C.No.62 of 2014. He further submitted since subsequently, the petitioners shifted their residence to Bodinayakanur, which is the native place of the first petitioner.



He further submitted that the first petitioner is not able to travel to Tiruchirappalli from Theni, because, she is having two minor children. Hence, the aforesaid case may be transferred to the learned Judicial Magistrate, Bodinayakanur.

3. The notices, which have been sent to the respondents through Police have been returned as they have left the address. The notices, which were sent by RPAD by the petitioners also have been returned as addressee is left. Hence, after hearing the arguments of the learned counsel for the petitioners and on a perusal of the records, orders have passed.

4. Considering the fact that the first petitioner is having two minor children (petitioners 2 and 3), and she is residing in Bodinayakanur, which is her native place and she is having difficulty to travel from Bodinayakanur to Pattukottai., this Court is inclined to allow this Criminal Original Petition.

5. In the result, this Criminal Original Petition is allowed. The case in M.C.No.62 of 2014, is withdrawn from the file of the Mahila Court (Magistrate Level), Tiruchirappalli and transferred to the file of the Judicial Magistrate, Bodinayakanur for disposal in accordance with law. Considering the fact that the above case is pending from the year 2014, the Judicial Magistrate, Bodinayakanur is directed to dispose of the aforesaid case within a period of six months from the date of receipt of copy of this order. Consequently, connected Miscellaneous Petitions is also closed.

Sd/-
Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To

1. The Judge, Mahila Court,
Tiruchirappalli.
2. The Judicial Magistrate,
Bodinayakanur.

+ 1 cc TO Mr.R.Narayanan , Advocate in SR No. 48481

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AE/SV MMS/SAR1/21.03.2018/2P/4C