



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2018

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CORAM

THE HONOURABLE MR. JUSTICE P. RAJAMANICKAM

Crl.O.P. (MD) No.1973 of 2015

and

M.P. (MD) Nos.1 and 2 of 2015

N.Vanchimuthu

... Petitioner

Vs.

C.Balasubramani

... Respondent

PRAYER: Criminal Original Petition is filed under Section 407 of the Code of Criminal Procedure, to direct the respondent to transfer the complaint in C.C.No.267 of 2011 pending on the file of the Fast Track Court, Palani, to the Judicial Magistrate No.2, Dindigul.

For Petitioner : Mr.V.Janakiramulu

O R D E R

This petition has been filed by the petitioner to transfer the complaint in C.C.No.267 of 2011 pending on the file of Fast Track Court, Palani to the Judicial Magistrate No.2, Dindigul.

2. Admittedly, both the Courts are situated within the same Sessions division. As per the proviso attached to sub-Section (2) of Section 407 Cr.P.C no transfer application shall lie to the High Court for transferring the case from one Criminal Court to another Criminal Court in the same Sessions division, unless an application for transfer was made before the Sessions Judge and was rejected by him. But, here it is not the case of the petitioner that he has already filed any transfer application before the Sessions Judge, Dindigul and the same was rejected. Therefore, in view of the aforesaid provision, this petition is not maintainable before



this Court and the same is liable to be dismissed.

3. In the result this petition is dismissed. No costs.

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/True Copy/

Sd/-

Assistant Registrar (CS-III)

Sub Assistant Registrar

To

The Fast Track Court,
Palani, Dindigul District.

Smi/das

MV:GT:SAR3:16/02/2018/2P/2C

**Cr1.O.P. (MD) No.1973 of 2015
and
M.P. (MD) Nos.1 and 2 of 2015**

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