



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 25.10.2018

CORAM

THE HONOURABLE MR.JUSTICE **N.ANAND VENKATESH**

WEB COPY

Cr1.O.P.(MD)No.18592 of 2018

and

Cr1.M.P.(MD) No.8336 of 2018

Shanmugavel Thevar

:Petitioner

Vs.

State represented by
The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli District.
Crime No.647 of 2017

:Respondent

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to withdraw the case in S.C.No.374 of 2018 on the file of the III Additional Sessions Court, Tirunelveli and transfer the same to any other competent Court.

For Petitioner : Mr.P.Krishnasamy
For Respondent : Mrs.S.Bharathi, Government Advocate

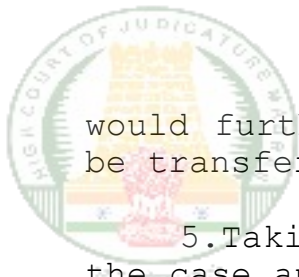
ORDER

This Criminal Original Petition has been filed seeking to transfer the proceedings pending in S.C.No.374 of 2018 on the file of the III Additional Sessions Court, Tirunelveli.

2.The learned counsel for the petitioner would submit that the petitioner is facing trial before the III Additional Sessions Court, Tirunelveli for the alleged offence under Sections 447, 294(b) and 506(ii) IPC and Section 3 of the Tamil Nadu Public Property (Prevention of Damage & Loss) Act, 1992. The learned counsel would further submit that the defacto complainant in this case, is a practicing lawyer and he is also a member of the Tirunelveli Bar Association.

3.That apart, the learned counsel for the petitioner would submit that the members of the Tirunelveli Bar Association are not appearing in the case and therefore, the petitioner will not be able to effectively defend himself in the pending case. Therefore, the learned counsel would submit that the case may be transferred to any other competent Court outside Tirunelveli.

<https://hcservices.ecourts.gov.in/hcservices/>
4.The learned Government Advocate would submit that the charges have already been framed in this case and the examination of the witnesses is yet to be commenced. The learned Government Advocate



would further submit that in the interest of justice, the case may be transferred to nearest Court.

5. Taking into consideration of the facts and circumstances of the case and also the fact that the petitioner is not able to defend himself, this Court is inclined to transfer the pending case to any other competent Court outside the jurisdiction of Tirunelveli.

6. In the result, the proceedings in S.C.No.374 of 2018 on the file of the III Additional Sessions Court, Tirunelveli, is withdrawn and transferred to the file of the Principal District Judge, Thoothukudi. The learned III Additional Sessions Judge, Tirunelveli is directed to immediately send the entire case records to the learned Principal District Judge, Thoothukudi. The learned Principal District Judge, Thoothukudi, shall thereafter take up the case and complete the proceedings as expeditiously as possible.

7. Accordingly, this criminal original petition is allowed. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

1. The The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli District.
2. The III Additional Sessions Judge,
Tirunelveli.
3. The Principal District Judge,
Thoothukudi.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

NM/SV/SAR 3/ 27.11.2018 / 2P / 5C.

Cr1.O.P. (MD) No.18592 of 2018
25.10.2018