



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

CRL.O.P (MD) No.14967 of 2017

and

CRL.M.P. (MD) .No.9963 of 2017

M.Hariharan

... Petitioner/Defacto Complainant

Vs.

1.The Inspector of Police,
Central Crime Branch,
Thiruppur.
(Crime No.12/2017)

... 1st Respondent/complainant

2.K.Jothiananda vadivel
3.K.Shanmugananda Vadivel
4.K.LakshmiNarayanan
5.J.Naveen Joseph
6.Meenakshi SundaraPandian

... Respondents/Accused 2 to 6

PRAYER: Criminal Original Petition is filed under Section 407 of the Civil Procedure Code, to withdraw the case in C.C.No.494 of 2017 on the file of the learned Judicial Magistrate No-1, Thiruppur and transfer the same to the learned Judicial Magistrate No-2 Madurai to be tried along with C.C.No.92 of 2017.

For Petitioner : Ms.B.Asha for
Mr.E.Somasundaram

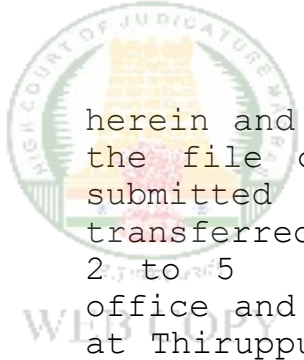
For R-1 : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Criminal Side)

For R-2 to R-5 : Mr.C.Lakshmanan

O R D E R

This Criminal Original Petition has been filed by the de-facto complainant under Section 407 of Criminal Procedure Code to transfer the case in C.C.No.494 of 2017 from the file of the Judicial Magistrate No-I, Thiruppur to the Judicial Magistrate No-II Madurai to be tried along with C.C.No.92 of 2017.

2.The learned counsel for the petitioner has submitted that the petitioner has already filed a private complainant for the offence punishable under Section 500 I.P.C. against the respondents 2 to 4



herein and the same has been taken on file in C.C.No.92 of 2017, on the file of the Judicial Magistrate No-II, Madurai. She further submitted that the petitioners' property has been fraudulently transferred by executing a document at Thiruppur by the respondents 2 to 5 and registered the document at Thiruppur Sub-Registrar office and at that time, the sixth respondent was the Sub-Registrar at Thiruppur and with regard to the said occurrence, the petitioner herein has lodged a complaint before the first respondent and based on the said complaint, a case has been registered in Crime No. 12 of 2017 and after investigation, the first respondent laid charge sheet. Based on the said charge sheet, the learned Judicial Magistrate No.II, Thiruppur has taken the case on file in C.C.No.494 of 2017. She further submitted that most of the witnesses and the respondents 2 and 4 are residing only at Madurai. She further submitted that since already one case in C.C.No.92 of 2017 is pending before the Judicial Magistrate No.II, Madurai, the case in C.C.No.494 of 2017 also may be transferred to that Court.

3.The learned Government Advocate (Criminal Side) has submitted that he has no serious objections.

4.The learned counsel for the respondents 2 to 5 has submitted that with regard to the same occurrence, the de-facto complainant gave two false complaints and based on that two cases have been filed in different Courts. He further submitted that the third respondent is aged about 63 years and if the case is transferred to Madurai, it would be very difficult for him to travel from Coimbatore.

5.Admittedly, already one case in C.C.No.92 of 2017 is pending on the file of the Judicial Magistrate No.II, Madurai. In such case, the case in C.C.No.494 of 2017 also can be transferred to the Judicial Magistrate No.II, Madurai, so that the parties need not go to different Courts. If both the cases are tried by the same Court that would minimise the Courts time also and hence, in the interest of justice, this Court is inclined to allow the petition.

6.In the result, this Criminal Original Petition is allowed. The case in C.C.No.494 of 2017 is transferred from the file of the Judicial Magistrate No.I, Thiruppur to the Judicial Magistrate No.II, Madurai for trying along with the case in C.C.No.92 of 2017. Considering the fact that the third respondent is aged about 63 years, his personal appearance before the trial Court is dispensed with unless he is specifically directed by the trial Court for his appearance. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/



To

1.The Judicial Magistrate No-I,
Thiruppur

2.The Judicial Magistrate No-II,
Madurai.

3.The Inspector of Police,
Central Crime Branch,
Thiruppur.

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

+1CC to Mr.C.Lakshmanan, Advocate, SR.No. 50478

+1CC to Ms.B.Asha, Advocate, SR.No. 50525

CRL.O.P (MD) No.14967 of 2017
21.02.2018

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AM/SV MMS/SAR 4/20.03.2018/3P/7C