



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:15.03.2018

CORAM

THE HONOURABLE MR.JUSTICE **P. RAJAMANICKAM**

CrI.O.P.(MD) No. 16035 of 2017

and

CrI.M.P.(MD).No.10618 of 2017

Murugan @ Pathan

... Petitioner /Accused

-Vs-

1. The State represented by
The Inspector of Police,
Kaliyakkavilai Police Station,
Kanyakumari District.
In Cr.No.633/2013

... 1st Respondent/ Complainant

2.Savarkkar

... 2nd Respondent / De-facto
complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to withdraw and transfer the case in C.C.No.215 of 2014 on the file of the Judicial Magistrate Court No.I, Kuzhithurai to Judicial Magistrate Court Valliyoor, Tirunelveli District.

For Petitioners :Mr.N.Balakrishnan

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

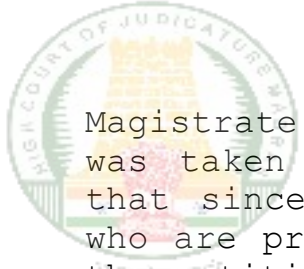
For R-2 :No appearance

O R D E R

This Criminal Original Petition has been filed to transfer the case in C.C.No.215 of 2014 on the file of the Judicial Magistrate Court No.I, Kuzhithurai to Judicial Magistrate Court, Valliyoor, Tirunelveli District.

2.Heard the learned Counsel appearing for the petitioner and the learned Government Advocate (Criminal side) appearing for the first respondent. Though notice was served for R-2, R-2 has not appeared either in person or through counsel. Hence, after hearing the first respondent, the order is being passed.

3.The learned counsel for the petitioner has submitted that the second respondent herein is an Advocate and based on his complaint, the first respondent has registered a case against the petitioner herein and filed a charge sheet before the Judicial



Magistrate No.I, Kuzhithurai, Kanyakumari District and the case was taken on file in C.C.No.215 of 2014. He further submitted that since the second respondent is an advocate, the advocates, who are practising at Kuzhithurai have not come forward to defend the petitioner and hence, he requests to transfer the above said case to the Judicial Magistrate Court at Valliyur, Tirunelveli District.

4.Considering the submissions made by the learned counsel for the petitioner that the second respondent is an advocate, practising at Kuzhithurai Court and the advocates are not coming forward to defend the petitioner, this Court is inclined to allow this petition.

5.In the result, this petition is allowed. The case in C.C.No.215 of 2014 is withdrawn from the Court of the Judicial Magistrate No.I, Kuzhithurai, Kanyakumari District and transferred to the Judicial Magistrate Court, Valliyoor, Tirunelveli District for disposal in accordance with law. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate Court No.I, Kuzhithurai
2. The Judicial Magistrate Court Valliyoor,
Tirunelveli District
3. The Inspector of Police,
Kaliyakkavilai Police Station,
Kanyakumari District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.N.Balakrishnan, Advocate Sr.No.55838

VS

VB/SKN/RSK/SAR3/16.04.2018/2P/6C

Cr1.O.P.(MD) No. 16035 of 2017

15.03.2018