



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.10.2018

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P. (MD) No.13527 of 2016

and

Crl.M.P. (MD) No.6313 of 2016

Shanmuganathan

... Petitioner

Vs

1.The Inspector of Police,
Kumbakonam West Police Station,
Kumbakonam,
Thanjavur District.

2.Ragavan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to withdraw and transfer the Sessions case in S.C.No.104 of 2016 on the file of the Chief Judicial Magistrate, Thanjavur at Kumbakonam to transfer any other competent Court at Thiruvarur District.

For Petitioner : Mr.G.Gomathi Sankar

For R1 : Mrs.S.Bharathi
Government Advocate (Crl.side)

For R2 : Mr.AN.Ramanathan

O R D E R

This petition has been filed to transfer the case in S.C.No.104 of 2016 pending on the file of the Chief Judicial Magistrate, Thanjavur.

2.The petitioner has sought for transfer only on the ground that the defacto complainant is an advocate and that a resolution was passed in the bar association to the effect that no counsel should appear for the petitioner.



3.The learned counsel for the second respondent would submit that as on today, a counsel has been representing the petitioner and apart from that the petitioner is also attending the case in H.M.O.P.No.89 of 2015 on the file of the Sub Court, Kumbakonam. Therefore, the grounds that have been raised by the petitioner is unsustainable.

4.The learned counsel for the second respondent would further submit that no such resolution was passed by the Kumbakonam Bar Association and the said submission made by the petitioner is not correct.

5.The learned counsel for the petitioner would submit that he apprehends that he will not be able to conduct this case before the Court below and he will not be able to defend himself effectively. The learned counsel for the petitioner would further submit that he is appearing in person for every hearing and till date, no advocate represents his case before the Chief Judicial Magistrate, Thanjavur, Kumbakonam.

6.Considering the facts and circumstances of the case, the case in S.C.No.104 of 2016 is withdrawn from the file of the Chief Judicial Magistrate, Thanjavur at Kumbakonam and transferred to the Assistant Sessions Court, Thanjavur. However, the Chief Judicial Magistrate, Thanjavur is directed to immediately transfer the case file to the Assistant Sessions Court, Thanjavur and the Assistant Sessions Court, Thanjavur is directed to complete the entire proceedings within a period of three months from the date of transfer of the case records. The petitioner and the second respondent shall conduct the case on a day to day basis and they shall co-operate before the Court below in order to complete the proceedings within the time stipulated by this Court.

7.This criminal original petition is disposed of with the above directions. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS-I)



1.The Chief Judicial Magistrate, Thanjavur, Kumbakonam.

2.The Assistant Sessions Court, Thanjavur.

3.The Inspector of Police,
Kumbakonam West Police Station,
Kumbakonam,
Thanjavur District.

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

+1 CC To MR.C.GOMATHI SANKAR, Advocate SR. NO.90185

+1 CC To MR.AN.RAMANATHAN, Advocate SR. NO. 89764

CRL.O.P. (MD) No.13527 of 2016
and
Crl.M.P. (MD) No.6313 of 2016

RMI

TR/SV/SAR-I (25.10.2018) 3P 7C