



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.14682 of 2016
and

Crl.M.P (MD) Nos.6869 and 6870 of 2016

1. A.S.Bilal
2. A.K.S. Thahir
3. P.M.Kathijathul Kubural ... Petitioners
Vs.

A.Raisa Nasrin ... Respondent

Prayer: This Criminal Original Petition filed under Section 407 Cr.P.C. to transfer in DVOP No.6 of 2016 from the file of the learned Judicial Magistrate, Ilayankudi, Sivagangai District to the Additional Mahila Court(Judicial Magistrate Level) Madurai.

For Petitioners : Mr.P.Gunasekaran
For Respondent : Mr. T.Lajapathi roy

ORDER

This petition has been filed seeking for transfer of the case pending in DVOP No.6 of 2016 from the file of the learned Judicial Magistrate, Ilayankudi, Sivagangai District to the Additional Mahila Court(Judicial Magistrate Level) Madurai.

2. The learned counsel for the petitioners would submit that the first petitioner had filed petition seeking for guardianship of child and the respondent filed transfer petition and the GDOP was transferred to the file of the Family Court, Sivagangai. The respondent is also appearing for the said proceedings before the family Court. The learned counsel for the petitioner would submit that this DVOP can also be transferred to Sivagangai before the concerned Court.

3. The learned counsel for the respondent would submit that the case is pending from the year 2016 onwards and this petition has been filed only to drag on the proceedings. He would further submit that it is true that the GDOP is pending before the Family Court, Sivagangai

4. Taking into consideration the facts and circumstances of the case, DVOP No.6 of 2016 pending the file of the learned Judicial Magistrate, Ilayankudi is withdrawn and transferred to the learned Judicial Magistrate No.I, Sivagangai and the learned Judicial Magistrate No.I, Sivagangai on receipt of the case records is directed to complete the proceedings within a period of three months from the date of receiving case records.



5. The learned counsel requested this Court for dispensing with the appearance before the court below. The petitioners shall be represented by a counsel before the court below. The counsel representing the petitioners shall cross examine the witnesses on the same day when they are examined in chief and the court shall ensure that the case is taken on day to day basis and completed within the time stipulated by this Court.

6. The Criminal original petition is disposed of with the above direction. Consequently connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1. The Judicial Magistrate,
Ilayankudi, Sivagangai
2. The Judicial Magistrate No.I
Sivagangai

+1CC to Mr.P.Gunasekaran, Advocate, SR.No. 89668
+1CC to Mr. T.Lajapathi Roy, Advocate, SR.No.89799

Cr1.O.P. (MD) No.14682 of 2016
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AAV
ES/SKN/RSK/SAR 3/27.11.2018/2P/5C