



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2018

CORAM

WEB COPY

**THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN**

Crl.O.P. (MD) No.7089 of 2018

and

Crl.M.P. (MD) No.3385 of 2018

1.Narayana Perumal

2.Kattithangam @ Thangam

3.Suyamburajan

....Petitioners/Respondents/

Accused 1 to 3

Vs.

1.The State Rep.by  
The Inspector of Police,  
Suchindrum Police Station,  
Suchindrum,  
Kanyakumari District.  
(Crime No.252 of 2008)

...Respondent/Respondent/Complainant

2.N.S.Arumugavel

...Respondent/Appellant/Defacto  
Complainant

**Prayer :** Petition filed under Section 482 Cr.P.C. to pass on order to withdraw and transfer the case in C.A.No.78 of 2014 on the file of the Hon'ble District and Sessions Court, Nagercoil, Kanyakumari District in C.C.No.240 of 2008 on the file of the learned Judicial Magistrate No.III, Nagercoil, Kanyakumari District in relation to Crime No.252 of 2008 on the file of the Inspector of Police, Suchindrum Police Station, Suchindrum, Kanyakumari District to any other nearby Court which has jurisdiction to deal with the above offences more particularly the Hon'ble District and Sessions Court, Tirunelveli, Tirunelveli District forthwith.

For Petitioners : Mr.S.Palanivelayutham

For R1 : Mr.Prabu Ramachandran, G.A.(Crl.side)

: Mr.A.ThiruvadiKumar

**ORDER**

The petitioners seeks transfer of the Criminal Appeal in C.A.No.78 of 2014 from Nagercoil, Kanyakumari District to some other District.

2.The petitioners' contention is that the de facto complainant in this case is an Advocate and therefore an hostile atmosphere is prevailing. The learned counsel for the petitioner also submitted that none of the Advocates from the local bar are prepared to appear for the petitioners in Criminal Appeal.

3.These facts cannot be a ground for directing to transfer the Criminal appeal. If the member of the local bar is not available, the petitioners can engage the counsel from the Tirunelveli bar.

4.The learned District and Sessions Judge, Nagercoil, before whom the Criminal Appeal is pending, shall dispose of the Criminal Appeal itself, within a period of two months from the date of receipt of a copy of this order.

5.It is the duty of the learned District and Sessions Judge to ensure that the petitioners are able to engage a counsel of their choice. If there is any resistance from the local bar, the same may be reported to the Registrar of this Bench, so that appropriate action can be taken in the matter.

6.With these observations, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

To

1.The District and Sessions Judge,  
Nagercoil,  
Kanyakumari District.

2.The Inspector of Police,  
<https://hcservices.ecourts.gov.in/hcservices/>  
Suchindrum Police Station,  
Suchindrum,



Kanyakumari District.

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

4.The Registrar (Judicial)  
Madurai Bench Of Madras High Court,  
Madurai.

5.The District Sessions Judge,  
Tirunelveli.

+1CC to Mr.S.Palani Velaiyutham Advocate in SR.NO.64036.

GNS/CP

DS/JC/SAR-2 :29.05.2018: 3P/7C

Cr1.O.P. (MD)No.7089 of 2018  
27.04.2018