



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.10.2018

CORAM

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD)No.23983 of 2016
and
Crl.M.P(MD) No. 12711 of 2016

Muthukumar

... Petitioner

Vs.

1. Kartheeswari

2. Minor. Pranav Rithish

(Represented through his mother
and guarding first respondent)

...Respondents

Prayer: This Criminal Original Petition filed under Section 407 Cr.P.C. to withdraw the case in M.C.No.16 of 2014 on the file of the Judicial Magistrate, Paramakudi to some other competent court in other Distrcit.

For Petitioner	: Mr.K.N.Govarthanan
For Respondents	: Mr.A. Baskaran

ORDER

This petition has been filed seeking to transfer the proceedings in MC No.16 of 2014 pending on the file of the learned Judicial Magistrate, Paramakukdi.

2. The learned counsel for the petitioner would submit that the first respondent is practising advocate before Paramakudi Court and therefore the petitioner will not get justice before the said court. That apart the learned counsel for the petitioner would further submit that no advocate has appeared for the petitioner.

3. Per Contra the learned counsel for the respondent would submit that in this case trial is already over and the case is at the stage of final arguments and the respondent have already submitted their written arguments before the court below. He would further submit that petitioner had assistance of an advocate and ~~services provided by the~~ have been cross examined by the counsel appearing for the petitioner.



4. The learned counsel for the petitioner relied upon the judgment of this Court in CrI.O.P (MD) Nos.5855 of 2016 and 17767 of 2014 dated 18.10.2016.

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5. The facts of the case will not apply to the present case. In the present case the entire proceedings is completed before the court below and the case is at the stage of final arguments. There cannot be a presumption that the court will go in favour of the first respondent. At the best the apprehension raised by the petitioner can only be on surmises and proceedings cannot be transferred on this ground

6. This case is, at the stage of final arguments. If the petitioner is not able to be present before the court in person, the petitioner is always at liberty to file written arguments before the court below through his counsel. The case is of the year 2014. Hence, there shall be a direction to the court below to complete the proceedings within a period of two months from the date of receipt of copy of this order.

7. The Criminal Original Petition is disposed of with the above directions. Consequently connected miscellaneous petition is closed.

Sd/-

Joint Registrar(Judicial)

/True Copy/

Sub Assistant Registrar(CS-I)

aav

To

The Judicial Magistrate,
Paramakudi

+1cc to Mr.A.Baskaran, Advocate in SR No.89831

CrI.O.P. (MD) No.23983 of 2016

and

CrI.M.P (MD) No. 12711 of 2016