



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.09.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrIOP(MD)No.2700 of 2016
and
CrIIMP(MD)No.1322 of 2016

1.Jagadeesh

2.Rajesh : Petitioners/Accused

Vs.

The Inspector of Police,
Kaliyakkavilai Police Station,
Kanniyakumari District. :Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 407 Cr.P.C., to transfer the case in C.C. No. 399 of 2014 pending on the file of the learned Judicial Magistrate No.1 Court Kuzhithurai, Kanyakumari District from its file to the learned Judicial Magistrate Valliyoor, Tirunelveli District for conducting trial and pronouncing judgment.

For Petitioners : Mr.S.Malaikani

For Respondent : Ms.S.Bharathi,
Government Advocate

ORDER

This petition has been filed seeking for the transfer of the proceedings in CC No.399 of 2014 on the file of the Judicial Magistrate -I, Kuzhithurai.

2.The main ground on which this petition has been filed is that the de facto complainant is an Advocate practising at Kuzhithurai and is a member of the Bar Association and he is not permitting the other Advocates to appear on behalf of the petitioners.

3.Therefore, the petitioners apprehend that the petitioners will not get a fair opportunity to defend themselves in the case. Taking into consideration the facts and circumstances of the case, the proceedings in CC No.399 of 2014, pending on the file of the Judicial Magistrate-I, Kuzhithurai is transferred to the file of the



Judicial Magistrate, Padmanabapuram. The Judicial Magistrate-I, Kuzhithurai is directed to immediately send the file pertaining to CC No.399 of 2014 to the Judicial Magistrate, Padmanabhapuram.

4.The criminal original petition is disposed of the with the above direction. Consequently, CrI.MP(MD)No.1322 of 2016 is closed.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar(CS-I)

To

- 1.The Judicial Magistrate No.1,
Kuzhithurai.
2. The Judicial Magistrate,
Padmanabapuram.
- 3.The Inspector of Police,
Kaliyakkavilai Police Station,
Kanniyakumari District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr.S.Malaikani, Advocate, SR.No.87951

CrI.O.P(MD)No.2700 of 2016
and
CrI.MP(MD)No.1322 of 2016
27.09.2018

DSK

ES/RP/SAR 1/30.10.2018/2P/6C