



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 27.09.2018
CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

WEB COPY

CrI.O.P.(MD)No.9316 of 2016
and
CrI.M.P.(MD)No.4656 of 2016

1.Sudhakar
2.Nagarajan
3.Kannan
4.Sundar
5.Muthusamy

...Petitioners/
Accused Nos.1 to 5

Vs.

1.The State represented by
The Inspector of Police,
Asaripallam Police Station,
Asaripallam, Kanyakumari District.
(Crime No.116 of 2013)

...1st Respondent/
Complainant

2.Gopalakrishnan

...2nd Respondent/Defacto
Complainant

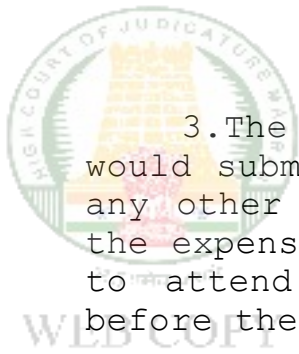
PRAYER: Criminal Original Petition filed under Section 407 Cr.P.C. praying to withdraw the case in S.C.No.108 of 2015 on the file of the II Additional Assistant Sessions Court, Nagercoil, Kanyakumari District and to transfer the same to any other Court at Tirunelveli District for disposal of the same on merits in accordance with law.

For Petitioners : Mr.V.P.Rajan
For R1 : Mrs.Bharathi,
Government Advocate.
For R2 : Mr.T.Selvakumaran

ORDER

This petition has been filed seeking for transfer of the proceedings in S.C.No.108 of 2015 pending on the file of the II Additional Assistant Sessions Court, Nagercoil.

2.The ground that has been taken by the petitioner in order to seeking for transfer, is that the defacto complainant is an practicing Advocate at Nagercoil and at his insistance, the Bar Association is not permitting any Advocate to appear for the



3.The learned counsel appearing for the second respondent would submit that he has no objection in transferring the case to any other Court. Further, the learned counsel would submit that the expenses should be paid to the second respondent, since he has to attend the proceedings for the purpose of giving evidence before the Court below.

4.Taking into considering the facts and circumstances of the case, the case in S.C.No.108 of 2015 on the file of the II Additional Assistant Sessions Court, Nagercoil is transferred to the file of the Assistant Sessions Court, Tirunelveli. The learned II Additional Assistant Sessions Judge, Nagercoil is directed to immediately transfer the file to the Assistant Sessions Court, Tirunelveli. It is made clear that the second respondent at the time of appearing as witness before the Court below can insist the payment of travel expenses before the Court below and the Court below is directed to pass appropriate orders.

5.In the result, this Criminal Original Petition is allowed, with the above direction. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar(CS-III)

To

- 1.The Inspector of Police,
Asaripallam Police Station,
Asaripallam, Kanyakumari District.
- 2.The II Additional Assistant Sessions Judge,
Nagercoil, Kanyakumari District.
- 3.The Assistant Sessions Judge, Tirunelveli.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+ 1 CC TO MR.T.SELVAKUMARAN, ADVOCATE IN SR NO.87387

+ 1 CC TO MR.V.P.RAJAN, ADVOCATE IN SR NO.88093

NYR

BU/RSK/SAR-III :29.10.2018 : 2P/7C