



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.09.2018

CORAM

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.(MD)No.13438 of 2018andCrIIMP(MD)No.6041 of 2018

1.K.Abdul Hameed

2.K.Mohamed Siddi

... Petitioners

Vs.

State represented by
The Inspector of Police,
Cumbum North Police Station,
Cumbum, Theni District.
[Crime No.114 of 2012]

...Respondent

Prayer: This Criminal Original Petition filed under Section 407 Cr.P.C, to call for the records relating to the P.R.C.No.60 of 2013, and withdraw the P.R.C.No.60 of 2013 on the file of the Learned Judicial Magistrate Court, Uthamapalayam and transfer the same to the file of the Judicial Magistrate Court, Madurai (Madurai District).

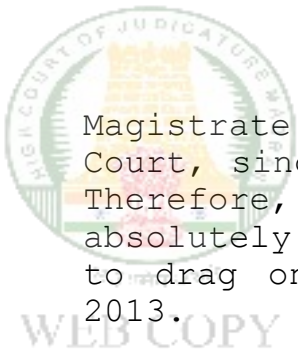
For Petitioners	: Mr.K.Abdul Hammed
	Party in person
For Respondent	: Mr.K.Suyambulinga Bharathi
	Government Advocate (CrI.Side)

ORDER

It is seen from records that the petitioners as accused are facing trial in Crime No.114 of 2012.

2.The respondent Police after investigation filed a final report against the petitioners and the same has been taken on file in PRC No.60 of 2013 by the learned Judicial Magistrate, Uthamapalyam. The grievance of the petitioners is that the learned Judicial Magistrate is prejudiced and is not even accepting any of the petition filed by these petitioners. The further case of the petitioners is that the Judicial Magistrate, Uthamapalaym is already under enquiry by this Court.

3.It is seen from records that the petitioner is facing a charge for the offence under Sections 341 and 294(b), 324, 307 and 506(ii) of IPC r/w Section 3 of TNPPDL Act. Therefore, the learned Judicial Magistrate Court is only a committal Court and this Magistrate is not going to conduct trial in this case. The



Magistrate will have to commit the case before the appropriate Court, since the offence under Section 3 of TNPPDL Act is involved. Therefore, all the allegations made by the petitioners are absolutely baseless and it is clear that the petitioners are trying to drag on the proceedings, which was taken on file in the year 2013.

4. In the facts and circumstances of the case, there shall be a direction to the learned Judicial Magistrate, Uthamapalayam to commit the case pending in PRC No.60 of 2013, to the appropriate Court, within a period of two months from the date of receipt of copy of this order and the Court to which, the case is committed shall frame the charge and complete the proceedings as expeditiously as possible.

5. The criminal original petition is dismissed. Consequently, Cr1MP(MD)No.6041 of 2018 is closed.

Sd/-

Assistant Registrar(WRITS)

/True Copy/

Sub Assistant Registrar(CS-III)

To:

1. The Judicial Magistrate Court,
Uthamapalayam.
2. The Inspector of Police,
Cumbum North Police Station,
Cumbum, Theni District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.K.Abdul Hammed Party in person IN SR No.87616.

DSK

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Cr1.O.P. (MD)No.13438 of 2018