



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.09.2018

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CRL.O.P. (MD) No. 16419 of 2018

and

Crl.M.P. (MD) Nos. 7259 and 7260 of 2018

P. Ganesan ... Petitioner/Petitioner/Accused No. 7

Vs

1. Santhosam ... Respondent/Respondent/Complainant

2. Abdul Kadar

3. Chandran

4. Subramanian ... Respondents/Respondents/Accused No. 1, 3 and 6

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to set aside the order returning the transfer petition filed by him by the learned Chief Judicial Magistrate, Tirunelveli, Tirunelveli District vide order dated 01.09.2018 in Cr.M.P.No. unnumbered of 2018 in C.C.No.155 of 2008 on the file of the learned Judicial Magistrate No.IV, Tirunelveli, Tirunelveli District and consequently, direct the said learned Chief Judicial Magistrate to number the said transfer petition and to deal with the same in accordance with law.

For Petitioner : Mr. R. Anand

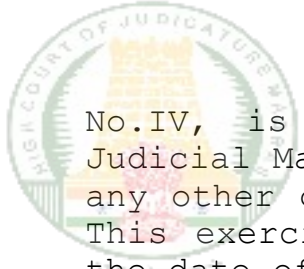
O R D E R

This petition has been filed against the order of the Chief Judicial Magistrate returning the application filed by the petitioner, seeking for transfer of the case in C.C.No.155 of 2008 to any other competent Court.

2. From the records, it is seen that the learned Chief Judicial Magistrate, Tirunelveli has returned the papers on the ground that this Court has directed the learned Judicial Magistrate No.IV, Tirunelveli to dispose of the case within a period of three months.

3. The learned counsel for the petitioner would submit that the learned Judicial Magistrate No.IV, Tirunelveli had already expressed the mind not to take up the case pending in C.C.No.155 of 2008 and has requested for transfer to some other Court.

4. There shall be a direction to the Chief Judicial Magistrate, Tirunelveli to call for a report from the Judicial Magistrate No.IV, Tirunelveli in this regard and if the learned Judicial Magistrate



No.IV, is not willing to take up the case, the learned Chief Judicial Magistrate, Tirunelveli is directed to transfer the case to any other competent Court to proceed further in C.C.No.155 of 2008. This exercise shall be completed within a period of ten days from the date of receipt of a copy of this order.

5. Accordingly, this Criminal Original Petition is disposed of with the above directions. Consequently, connected miscellaneous petitions are closed.

Sd/
Assistant Registrar (Crl Side)

/True copy/

Sub Assistant Registrar

To

1. The Chief Judicial Magistrate, Tirunelveli.
2. The Judicial Magistrate No.IV, Tirunelveli.

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