



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.06.2018

CORAM :

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1 OP(MD)No.22663 of 2013

and

MP(MD)Nos.1 and 2 of 2013

A.Kennedy @ Josheph Kennedy

... Petitioner

Vs.

1.The Inspector of Police,
Anti Land Grabbing Special Cell,
Madurai City.
(Crime No.39 of 2012)

2.A.Edwin Alrin

... Respondents

Prayer : This Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, to issue a direction to transfer the case in C.C.No.98 of 2013 pending before the learned Judicial Magistrate Court, No.1, Madurai in Cr.No.39 of 2012 dated 23.04.2012 on the file of the respondent No.1 to the learned Judicial Magistrate Court No.III, Trichy or any other Court out side Madurai District within the time stipulated by this Court.

For Petitioner

: Mr.T.Lajapathi Roy

For Respondents

: Mr.A.Robinson,

Govt.Advocate for R1

Mr.P.Vijay Raghavan for R2

O R D E R

Heard the learned counsel on either side.

2.The petitioner is facing trial in C.C.No.98 of 2013 on the file of the learned Judicial Magistrate Court, No.1, Madurai. He wants transfer of the case from Judicial Magistrate No.1, Madurai to Judicial Magistrate No.III, Trichy on the ground that the petitioner is not feeling safe in the concerned Court campus at Madurai. The petitioner has filed an affidavit in which certain events have been narrated.

3.The learned counsel for the defacto complainant would strongly and vehemently deny those allegations as totally false. This Court is of the view that this transfer petition was filed way back in the year 2013 and that in view of the passage of time, the said reasons may no longer be relevant even if they are true.



This Court is also of the view that no case has been made out for transfer of the case from Madurai to Trichy. However, this Court is inclined to grant the relief of dispensing with the personal appearance of the petitioner.

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4.The petitioner shall appear before the Trial Magistrate at the time of answering the charges and at the time of examination under Section 313 of Cr.PC and at the time of pronouncement of Judgment. On all other occasions, the petitioner can be represented through his counsel. Since the relief of dispensing with the personal appearance of the petitioner has been granted, there is really no more justification in the prayer for transfer. The case of the year 2013. Therefore, the learned Trial Magistrate is directed to dispose of the said case within a period of six months from the date of receipt of a copy of this order.

5.With this direction and relief of dispensing with the personal appearance of the petitioner, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (WRITS)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.1, Madurai.
2. The Chief Judicial Magistrate, Madurai.
3. The Inspector of Police, Anti Land Grabbing Special Cell, Madurai City.
4. The Judicial Magistrate, No.II, Trichy.
5. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

SKM

RJ/SV/SAR-3/20/07/2018 - 2P/6C

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