

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.2253 of 2019

and

Crl.M.P Nos.1472 and 1473 of 2019

S.Tamilarasi

... Petitioner/Accused

vs.

1. State Rep. By

The Inspector of Police
Karaiyur Police Station,
Pudukkottai District
(Crime No.86 of 2004)

...1st Respondent/Complaint

2. S.Vasanthi

...2nd Respondent/Defecto Complaint

3. M.Sivanthiraj

... 3rd Respondent pw2

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to withdraw C.C No.106 of 2011 on the file of the Judicial Magistrate, Keeranur and transfer the same to the file of the Judicial Magistrate, Tambaram.

For Petitioner : Mr.K.Balasubramaniam

For 1st Respondent : Mr.C.Raghavan
Government Advocate

For 2nd & 3rd Respondents : Mr.D.Veerasekaran

ORDER

This petition has been filed seeking to transfer the proceedings pending in C.C No.106 of 2011, on the file of the Judicial Magistrate, Keeranur.

2. The petitioner is an accused facing trial before the Court below for an offence under Section 324 and 506(i) IPC. Several grounds have been raised in the petition to justify the

transfer from the Judicial Magistrate Court, Keeranur.

3. It is seen from the records that originally, the case was pending before the Judicial Magistrate Court, Thirumayyam in C.C No.77 of 2006 and subsequently, it was transferred to the file of the Judicial Magistrate, Keeranur and renumbered as C.C No.106 of 2011. The learned counsel appearing on behalf of the petitioner submitted that the atmosphere prevailing in the Court is not conducive to conduct a fair trial and therefore, the case should be transferred to the Judicial Magistrate Court, Tambaram. The learned counsel further submitted that the petitioner does not intend to drag on the proceedings and even a time limit can be fixed for the completion of the proceedings.

4. The learned counsel appearing on behalf of the 2nd and 3rd respondents vehemently opposed the petition and submitted that the case has been pending for the last 8 years without any progress and this is one more attempt made by the petitioner to drag on the proceedings. The learned counsel further submitted that the entire allegations made in the petition is completely denied and there are absolutely no grounds to transfer the proceedings at this belated stage.

5. Heard the learned Government Advocate appearing on behalf of the first respondent police.

6. Taking into consideration the facts and circumstances and keeping in mind the interest of both the parties, and in order to ensure a fair trial, this Court is inclined to transfer the proceedings pending in C.C NO.106 of 2011 before the Judicial Magistrate Court, Keeranur.

7. The learned Judicial Magistrate, Keeranur is directed to immediately transfer the entire case records to the file of the Judicial Magistrate, Tambaram, within a period of two weeks from the date of receipt of copy of this order. The Judicial Magistrate, Tambaram, on receipt of the case records, shall immediately renumber the case and complete the proceedings within a period of three months thereafter.

8. This Criminal Original Petition is disposed of with the above direction. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Judicial Magistrate,
Keeranur.
- 2.The Judicial Magistrate,
Tambaram.
- 3.The Inspector of Police
Karaiyur Police Station,
Pudukkottai District
- 4.The Public Prosecutor
High Court of Madras.

+1cc to Mr.D.Veerasekaran Advocate, S.R.No.67378

VBA(CO)
CB(04/09/2019)

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