

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 20.02.2019

CORAM
THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No. 3760 of 2019

Sadagopan

... Petitioner

Vs

The Inspector of Police,
C-3, Police Station, Seven Wells,
Chennai - 1.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to allow this transfer application in C.C.3671 of 2018 on the file before the said XIII Metropolitan Magistrate, Egmore to some other Egmore Court in the same campus.

For Petitioners: Ms.Indumathi

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking for transfer of case in C.C.No.3671 of 2018 on the file of the XIII Metropolitan Magistrate Court, Egmore, Chennai to some other Court in Egmore Court Campus.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent.

3. The learned counsel for the petitioner would submit that the petitioner filed this petition for transfer of C.C.No.3671 of 2018 on the file of the XIII Metropolitan Magistrate, Egmore, Chennai. Further, he would submit that the petitioner filed a petition under Section 173(5) of Cr.P.C in Crl.M.P.No.5931 of 2018 and same is pending. The learned Metropolitan Magistrate without taking an application for hearing the order issued summons to the petitioner and the de facto complainant for the witness. Though, the petitioner feel ill and inform the said Court in concerned Metropolitan Magistrate issued witness warrant as against the petitioner. Therefore, the petitioner sought for transfer of trial to other Court.

4. It is seen that the petitioner is a de facto complainant. The learned Metropolitan Magistrate taking

cognizance in C.C.No. 3671 of 2018 and the same is pending in XIII Metropolitan Magistrate Court, Egmore, Chennai. The trial is in pending, the petitioner also filed a petition under Section 173(5) of Cr.P.C and it is also pending in CrI.M.P.No.5931 of 2018. The learned Magistrate also issued witness warrant to the petitioner/de facto complainant to commence the trial.

5. Considering the facts and circumstances of the case, the learned XIII Metropolitan Magistrate, Egmore, Chennai, is directed to consider the application filed by the petitioner under Section 173(5) of Cr.P.C and pass order on merits in accordance with law. Thereafter, to recall the witness warrant and commence trial in accordance with law.

6. With the above direction, this Criminal Original Petition is disposed of.

Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

ssr/lpp

To

1. The XIII Metropolitan Magistrate, Egmore, Chennai.
2. The Inspector of Police, C-3, Police Station, Seven Wells, Chennai - 1.
3. The Public Prosecutor, High Court, Madras.

+1cc to M/s.Indumathi, Advocate, S.R.No.15738

CrI.O.P.No. 3760 of 2019

RK(CO)

RRS (02/04/2019)

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