

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:26.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.6845 of 2019  
and  
Crl.M.P.Nos.3766 & 3767 of 2019

T.Arunkumar

...Petitioner

Vs.

State by  
The Inspector of Police  
Malayampalayam Police Station  
Malayampalayam  
Erode District  
(Cr. No.7 of 2017 & 167 of 2016)  
...Respondent

PRAYER:Criminal Original Petition is filed under Section 482 of Cr.P.C., to set aside the order made in Crl.R.P.No.5 of 2018 dated 06.06.2018 on the file of the Principal Sessions Judge, Erode and consequently transferring the criminal case in C.C.Nos.58 of 2017 and 65 of 2017 on the file of the learned Judicial Magistrate, Kodumudi, Erode District to learned Judicial Magistrate-III, Erode.

For Petitioner : Mr.C.Prakasam

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

ORDER

The learned counsel for the petitioner seeks permission of this court to set aside the order made in Crl.R.P.No.5 of 2018 dated 06.06.2018 on the file of the Principal Sessions Judge, Erode and consequently transferring the criminal case in C.C.Nos.58 of 2017 and 65 of 2017 on the file of the learned Judicial Magistrate, Kodumudi, Erode District to learned Judicial Magistrate-III, Erode.

2.The learned counsel appearing for the petitioner would submit that due to prior enmity with the petitioner's close relatives and the very influenced persons in the locality have arranged to register eight false cases as against the petitioner

under the guise of one confession statement said to have been given by the petitioner, the said eight cases are now pending before the learned Judicial Magistrate-III, Erode in C.C.Nos.57 of 2017 and 96 of 2017 to 101 of 2017 and all offences are falsely implicated as if the petitioner committed theft in the agricultural motor pumps but the petitioner never committed much less offence under Section 379 IPC. All the cases are foisted as against him, hence, the petitioner is facing trial before the learned Judicial Magistrate-III, Erode. Therefore, the petitioner approached the learned Chief Judicial Magistrate, Erode and filed a petition for transferring the above said two cases in C.C.Nos.58 of 2017 and 65 of 2017 on the file of the learned Judicial Magistrate, Kodumudi to the learned Judicial Magistrate-III, Erode. The said petition was dismissed by the learned Chief Judicial Magistrate. Aggrieved by the said dismissal order, the petitioner preferred a Criminal Revision Petition in CrI.R.P.No.5 of 2018 on the file of the Sessions Court, Erode. The learned Sessions Judge also dismissed the said CrI.R.P.No.5 of 2018 on 06.06.2018. Hence, this petition.

3.Heard the learned counsel appearing for the petitioner.

4.The petition filed by the petitioner has been rightly dismissed by both courts below, this court does not find any merit in this case which warrants interference.

5.Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

kas  
To.

1.The Principal Sessions Judge  
Erode

2.The Judicial Magistrate  
Kodumudi

3.The Chief Judicial Magistrate  
Erode

4.The Judicial Magistrate -III  
Erode

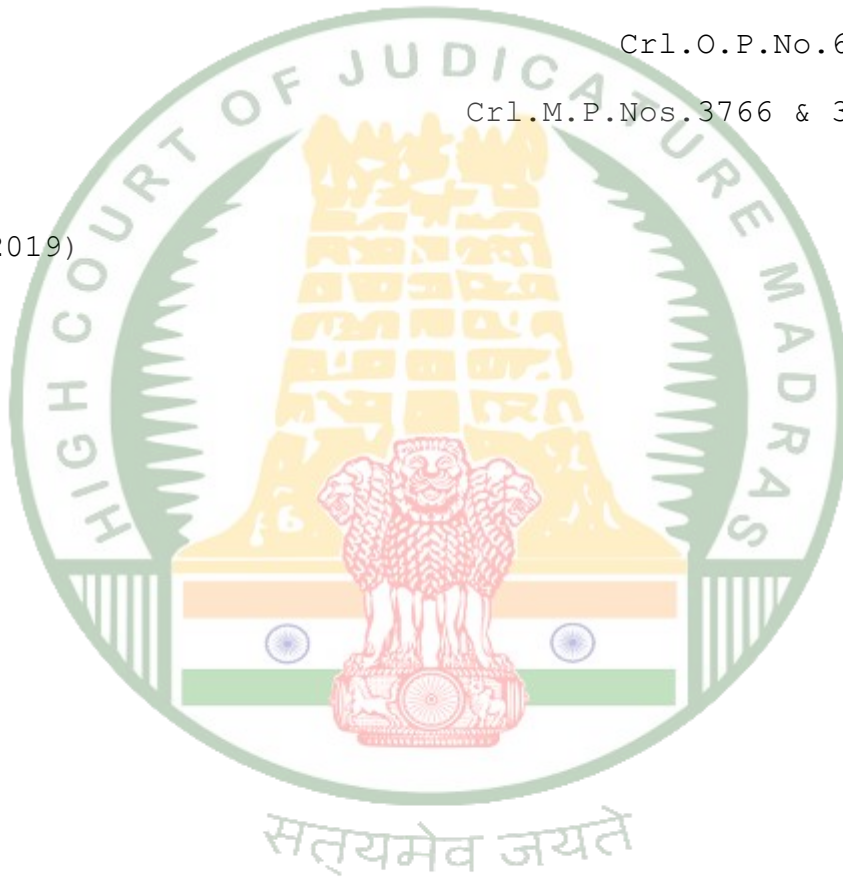
5.The Inspector of Police  
Malayampalayam Police Station  
Malayampalayam  
Erode District

6.The Public Prosecutor  
High Court of Madras

+1 CC to Mr.C.Prakasam, Advocate sr 29345.

Crl.O.P.No.6845 of 2019  
and  
Crl.M.P.Nos.3766 & 3767 of 2019

EV(CO)  
SP(29/04/2019)



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