

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.6902 of 2019
and Crl.M.P.No.3798 of 2019

1.R.Krishnan
2.Venkatesan
3.Raji

...Petitioners/Accused

-Vs-

The State Rep. by
The Inspector of Police,
Barur Police Station,
Krishnagiri District.

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 407 of the Code of Criminal Procedure, pleased to transfer C.C.No.101 of 2011 from the file of the Judicial Magistrate Court, Pochampalli to the Judicial Magistrate Court, Dharmapuri.

For Petitioners : Mr.M.G.Jayaseelan
For Respondent : Mr.C.Raghavan
Government Advocate (Crl.Side)

O R D E R

This petition has been filed to transfer C.C.No.101 of 2011 from the file of the Judicial Magistrate Court, Pochampalli to the Judicial Magistrate Court, Dharmapuri.

2. The learned counsel for the petitioners would submit that the petitioners were arrayed as A2, A4 and A5. He further submitted that due to the absence of the petitioners before the Court below, the learned Judicial Magistrate Court, Pochampalli issued a non-bailable warrant (NBW) against these petitioners. He further submitted that, they are residing far away from the Court below. Hence, they seek to transfer the C.C.No.101 of 2011 from the Judicial Magistrate Court, Pochampalli to the Judicial Magistrate Court, Dharmapuri.

3. The learned Government Advocate (Crl.Side) would submit that the NBW is pending against the petitioners and the case was posted for Judgment on 28.03.2019.

4. Heard Mr.M.G.Jayaseelan, learned counsel

appearing for the petitioners and Mr.C.Raghavan Government Advocate (Crl.Side) appearing for the respondent.

5. It is seen that as against these petitioners, already NBW was issued and it is pending in another C.C.No.66 of 2018 before the Judicial Magistrate Court, Pochampalli. Further in C.C.101 of 2011, already trial was completed and the matter has been posted for Judgment on 28.03.2019. Under these circumstances the petitioners did not appear before the Court and as such NBW was issued and pending.

6. In the above circumstances, these petitioners seeking to transfer the case to Judicial Magistrate Court, Dharmapuri is nothing but only to drag the proceedings. Therefore, this Court finds no merits in this petition. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

rri

To

1.The Inspector of Police,
Barur Police Station,
Krishnagiri District.

2.The Judicial Magistrate,
Pochampalli.

3.The Chief Judicial Magistrate,
Krishnagiri.

4.The Advocate (Crl.Side),
High Court, Madras.

+2cc to Mr.M.G.Jayaseelan, Advocate, S.R.No. 28839

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GJ(CO)
GN(06/05/2019)