

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.6850 of 2019
and Crl.M.P.No.3770 of 2019

R.Senthil

...Petitioner/A1

-Vs-

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

...Respondent

PRAYER: Criminal Original Petition filed under Section 407 of the Code of Criminal Procedure, pleaded to transfer C.C.No.66 of 2018 which was spiltted from C.C.No.101 of 2011 from the file of the Judicial Magistrate Court, Pochampalli to the Judicial Magistrate Court, Dharmapuri.

For Petitioner : 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.66 of 2018 which was spiltted from 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 petitioner would submit that the petitioner was suffering from Hypoglycemia with unstable blood sugar level. He further submitted that due to the absence of the petitioner before the court below, the learned Judicial Magistrate Court, Pochampalli issued a non-bailable warrant (NBW) against the petitioner. He further submitted that, the petitioner is unable the Court due to his illness. He seeks to transfer the C.C.No.66 of 2018 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 petitioner and the case was posted for Judgment on 28.03.2019.

4. Heard Mr.M.G.Jayaseelan, learned counsel appearing for the petitioner and Mr.C.Raghavan Government Advocate (Crl.Side) appearing for the respondent.

5. It is seen that as against the petitioner, 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 petitioner did not appear before the Court and as such NBW was issued and pending.

6. In the above circumstances, this petitioner 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-III)

//True copy//

Sub Assistant Registrar

rri

To

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

2.The Government Advocate (Crl.Side),
High Court, Madras.

3. The Judicial Magistrate Court, Pochampalli

4.-do-Through The Chief Judicial Magistrate,
Krishnagiri Dharmapuri

+2cc to Mr.M.G.Jayaseelan, Advocate SR.No.28840

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SKV(CO)
GMY(10/05/2019)