

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 22.04.2019
CORAM
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN
Crl.O.P.No.10426 of 2019
and Crl.M.P.No.5399 of 2019

Rajendran ... Petitioner
Vs.
Rajadurai Velpandian @ Rajadurai Pandian ... Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to withdraw the case in S.T.C.1512 of 2018 on the file of the Judicial Magistrate, Perambalur, Perambalur District and transfer the same to Judicial Magistrate, Virudhachalam, Cuddalore District for trial.

For Petitioner : Mr.J.Ravikumar

O R D E R

This Criminal Original Petition is filed seeking to transfer the case in S.T.C.No.1512 of 2018 pending on the file of the learned Judicial Magistrate, Perambalur District to the learned Judicial Magistrate, Virudhachalam, Cuddalore District.

2.The learned counsel for the petitioner submitted that the petitioner is the defacto complainant and he has filed a private complaint as against his friend/respondent, before the learned Judicial Magistrate, Perambalur and the same was taken on file in S.T.C.No.1512 of 2018. The trial has commenced and the petitioner has filed proof affidavit and marked documents. In the meantime, the petitioner had undergone cataract surgery and is under treatment. The learned counsel further submitted that the petitioner is a diabetic and has high blood pressure. Hence, he could not appear before the court regularly, hence asked for adjournments before the trial Court, which was denied by the learned Magistrate. Hence, the petitioner has filed the present petition with the aforesaid prayer.

3. Heard Mr.J.Ravikumar, learned counsel appearing for the petitioner and the perused the records.

4.It is seen that the petitioner is aged about 76 years and also had undergone cataract surgery. The reason stated for transfer of the case in S.T.C.No.1512 of 2018, only on the

ground that the petitioner is a diabetic and had undergone cataract surgery cannot be considered, since all the persons aged above 60 years are having cataract and they had to undergo cataract surgery.

5. Accordingly, this Criminal Original Petition stands dismissed. However, the petitioner is at liberty to file appropriate petition before the learned Judicial Magistrate, Perambalur, seeking to dispense with his personal appearance. Connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rm

TO:

1. The Chief Judicial Magistrate,
Perambalur.
2. The Judicial Magistrate, Perambalur.
3. The Judicial Magistrate,
Virudhachalam, Cuddalore District.

+1cc to Mr.J.Ravikumar, Advocate sr.38642

Cr1.O.P.No.10426 of 2019

rgn(co)
nr 05/08/2019

WEB COPY