

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.17891 of 2019
and
CrI.M.P.No.9004 of 2019

Rajasekaran

... Petitioner/Accused

Vs.

Inspector of Police,
All Women Police Station,
P.Velur,
Namakkal District.

... Respondent

PRAYER: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to withdraw C.C.No.79 of 2019 from the file of Judicial Magistrate, Paramathy and transfer the same to the file of Judicial Magistrate-I, Salem.

For Petitioner : Mr.E.P.Senniyangiri

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

ORDER

This petition has been filed seeking for the transfer of proceedings in C.C.No.79 of 2019 pending on the file of the Judicial Magistrate, Paramathy.

2.The petitioner has been shown as an accused in Crime No.2 of 2019 for an alleged offences under Section 294(b), 341, 354, 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 2002. The investigation was completed and a final report was also filed before the Judicial Magistrate, Paramathi and the same was taken on file in C.C.No.79 of 2019. The present petition has been filed seeking for transfer on the ground which is extracted hereunder :

"8.This Petitioner humbly submits that there is a Bar Resolution which prevents Advocates from appearing on this petitioner's behalf. Further, the petitioner also gave complaint against the advocates including the Bar President and now that is pending before the Bar

Council of Tamil Nadu. Now the petitioner does not have assistance of the Advocate in Paramathy, Namakkal District. This petitioner is also apprehending for life on the hands of the advocates. In this circumstances the petitioner could not conduct trial before Judicial Magistrate, Paramathy."

3.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondent police.

4.Taking into consideration the facts and circumstances of the case and in order to ensure that the petitioner is given a fair opportunity to defend himself in the case, the proceedings pending in C.C.No.79 of 2019 on the file of the Judicial Magistrate, Paramathy, is withdrawn and transferred to the file of the Judicial Magistrate-I, Salem. The entire case records shall be sent to the Judicial Magistrate, Salem, within a period of four weeks from the date of receipt of copy of this order. Immediately on receipt of the case files, the Judicial Magistrate No.I, Salem, shall proceed further and complete the proceedings as expeditiously as possible.

5.With the above directions, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1.Inspector of Police,
All Women Police Station,
P.Velur,
Namakkal District.

2.The Judicial Magistrate,
Paramathy.

3.The Judicial Magistrate No.I,
Salem.

4.The Chief Judicial Magistrate,
Salem.

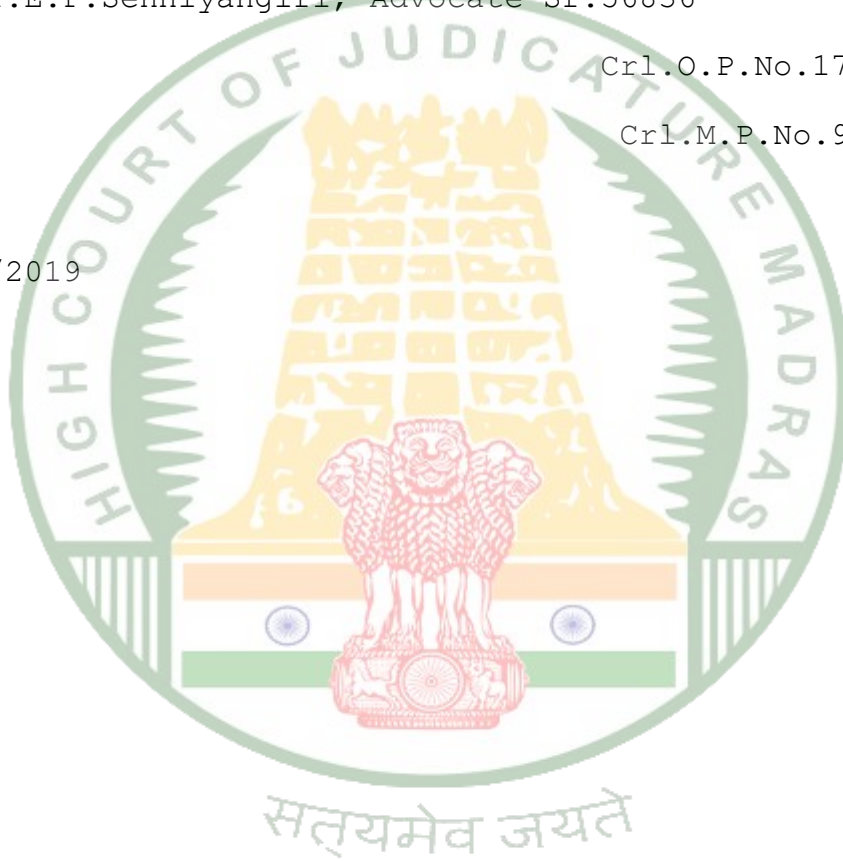
5.The Chief Judicial Magistrate,
Namakkal.

6.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.E.P.Senniyangiri, Advocate Sr.56836

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