



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P No.23598 of 2017

K.Kumar

... Petitioner

Vs.

Mr.T.J.Mohankumar

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to transferring case from Salem in S.T.C.No.440 of 2015 pending on the file of the Judicial Magistrate No.III, Salem to any of the competent Court at Panruti.

For Petitioner : Mr. P.Paramasiva Doss

For Respondent : No appearance

ORDER

This Criminal Original Petition has been filed to transfer the case from Salem in S.T.C.No.440 of 2015 pending on the file of the Judicial Magistrate No.III, Salem to any of the competent Court at Panruti.

2. The various grounds raised by the learned counsel for the petitioner is all factual in nature and the same requires appreciation of evidence in the course of the trial and the said exercise cannot be done by this Court in exercise of its jurisdiction under Section 482 of Cr.P.C. It is left open to the petitioner to raise all the grounds before the Court below and the Court below shall consider the same on its own merits and in accordance with law. This Court does not want to interfere with the proceedings at this stage.

3. The learned counsel for the petitioner requested this Court to dispense with the presence of the petitioner. Taking into consideration, the facts and circumstances of the case, the presence of the petitioner is dispensed with and he shall be represented by a counsel, who shall cross examine the witnesses on the same day, they are examined in Chief. The petitioner shall be present before the Court below at the time of questioning under Section 313 Cr.P.C and at the time of passing of the final judgment.



4. This Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in S.T.C.No.440 of 2015 on the file of the Judicial Magistrate No.III, Salem within a period of three months from the date of receipt of copy of this order.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

vsn

To

The Judicial Magistrate No.III
Panruti.

+1 cc to Mr.P.Paramasiva Doss, Advocate, S.R.No.64622

Cr1.O.P No.23598 of 2017

AD(CO)
SSM(10/09/2019)