

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2019

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

Crl.OP No.31590 of 2019

Sahara Banu Beevi .. Petitioner/Defacto Complainant

Vs.

1.The Inspector of Police,
All Women Police Station,
Poonamallee, Chennai 600 056. : Respondent/Complainant

2.Moagamed Yusuf : Respondent/Accused

PRAYER:- Criminal Original Petition filed under Section 482 Cr.P.C., to withdraw and transfer the C.C.No.344 of 2017 from the file of District Munsif Court cum Judicial Magistrate, Sriperumbudur, Kancheepuram District to any other competent court.

For Petitioner : Mr.C.V.Kumar

For Respondents : Mr.C.Iyyapparaj for R1
Additional Public Prosecutor

O R D E R

This Criminal Original Petition is filed to withdraw and transfer the C.C.No.344 of 2017 from the file of the District Munsif Court cum Judicial Magistrate, Sriperumbudur, Kancheepuram District to any other competent court.

2. The main ground on which the transfer is sought for is that earlier when the second respondent herein had filed a quash petition in Crl.O.P.No.6219 of 2018, this Court by an order dated 19.02.2019, had dismissed the quash petition and directed the District Munsif Court cum Judicial Magistrate, Sriperumbudur, Kancheepuram District, to complete the trial in C.C.No.344 of 2017 within a period of four months. Since the said order has not been complied with, the petitioner herein seeks for transfer of the case.

3. In my view, such a ground may not be proper, since the inconvenience that could have been caused to the Court below to comply with the earlier order dated 19.02.2019, also needs to be looked into.

4. The learned counsel for the petitioner himself admits that the trial court is flooded with many cases and therefore, could not able to take up the case for disposal at the earliest. While that being so, it would be appropriate if further time is granted to the trial Court to complete the proceedings, instead of transferring the proceedings.

5. In the light of the above observations, there shall be a direction to the District Munsif Court cum Judicial Magistrate, Sriperumbudur, Kancheepuram District, to complete the trial in C.C.No.344 of 2017 as expeditiously as possible, in any event, within a period of three months from the date of receipt of copy of this order. The Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar

// True Copy//

Sub Assistant Registrar

vr/jas

To

- 1.The Inspector of Police,
All Women Police Station,
Poonamallee, Chennai 600 056.
- 2.The District Munsif Court cum Judicial Magistrate,
Sriperumbudur, Kancheepuram District.
- 3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.C.V.Kumar, Advocate, SR.No.97864.

WEB COPY

Crl.OP No.31590 of 2019

PP (CO)
CSR(02/01/2019)