

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATE: 03.07.2019

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

WEB COPY

Crl.O.P. (MD) .Nos.4538 and 4721 of 2017
and
Crl.M.P. (MD) Nos.3227 and 3332 of 2017

S.Natarajan

... Petitioner in both Crl.O.Ps.

-Vs-

1.State represented by
the Inspector of Police,
Ambasamuthiram Police Station,
Ambasamuthiram,
Tirunelveli District.
(Crime No.188 of 2012)

2.Rajkumar

3.Duraisingh Pandian @ Vijay

4.Vignesh

... Respondents in Crl.O.P.No.4538/2017

1.State represented by
the Inspector of Police,
Ambasamuthiram Police Station,
Ambasamuthiram,
Tirunelveli District.
(Crime No.189 of 2012)

2.Rajkumar

3.Gandhimathi

4.Subbu @ Subbulakshmi

5.Vembu

... Respondents in Crl.O.P.No.4721/2017

Prayer in Crl.O.P.No.4538 of 2017: Criminal Original Petition is filed under Section 482 of Cr.P.C., to transfer the case in C.C.No.136 of 2013 on the file of the learned Judicial Magistrate, Ambasamuthiram, Tirunelveli District to any Court of competent jurisdiction in Madurai District.

Prayer in Crl.O.P.No.4721 of 2017: Criminal Original Petition is filed under Section 482 of Cr.P.C., to transfer the case in C.C.No.158 of 2013 on the file of the learned Judicial Magistrate, Ambasamuthiram, Tirunelveli District to any Court of competent jurisdiction in Madurai District.

For Petitioner

: Mr.A.Thiruvadikumar

For P1

: Mr.K.Suyambulinga Bharathi

Government Advocate (Crl.side)

For R2

: Mr.S.R.A.Ramachandran



C O M M O N O R D E R

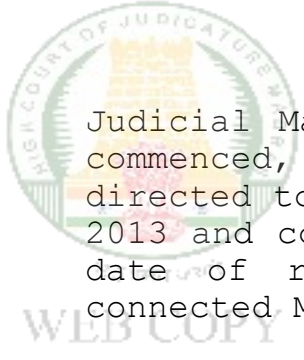
These Criminal Original Petitions have been filed seeking to transfer the cases in C.C.Nos.136 of 2013 and 158 of 2013 from the file of the learned Judicial Magistrate, Ambasamuthiram, Tirunelveli District to any Court of competent jurisdiction in Madurai District.

2. The grievance of the petitioner is that he is the de-facto complainant in C.C.No.136 of 2013 and the respondents 2 to 4 are the accused therein, and the petitioner is the first accused in C.C.No.158 of 2013 and the second respondent is the de-facto complainant, who is also the first accused in C.C.No.136 of 2013. Now, both the cases are pending before the learned Judicial Magistrate, Ambasamuthiram, Tirunelveli District. The first accused in C.C.No.136 of 2013 is a practicing Advocate in Ambasamuthiram. Apart from that, his father and his uncle are also practicing Advocates in the same Court. One Varamtharum Perumal Pandiyan, who is a relative of the second respondent is also a practicing Advocate in Ambasamuthiram. Since the family members of the second respondent are Advocates in Ambasamuthiram, the Members of the Ambasamuthiram Bar are hesitating to appear for the petitioner and hence, he has to engage a counsel from some other District to represent for the petitioner. In the above circumstances, the petitioner has filed the present criminal original petitions seeking to transfer the case in C.C.Nos.136 of 2013 and 158 of 2013 to some other Court from the learned Judicial Magistrate, Ambasamuthiram.

3. The learned counsel appearing for the second respondent would submit that even though the second respondent/A1 in C.C.No.136 of 2013 is a practicing Advocate, absolutely there is no threat to the petitioner and they are co-operating with the trial and some counsel also appearing for the petitioner in Ambasamuthiram Court. However, the learned counsel appearing for the first accused in C.C.No.136 of 2013 fairly submitted that since the petitioner is having some apprehension against the first accused, he has no objection to transfer the cases to any other Court in Tirunelveli District.

4. I have considered the submissions made on either side and perused the materials available on record.

5. Considering the fact that there is a reasonable apprehension, as the accused person is a practicing Advocate at Ambasamuthiram Bar, and the learned counsel appearing for the first accused has also agreed for transfer of the cases to some other Court, I am inclined to transfer the cases in C.C.Nos.136 of 2013 and 158 of 2013 to the learned Judicial Magistrate No.I, Tirunelveli. Accordingly, these criminal original petitions are allowed and the cases in C.C.Nos.136 of 2013 and 158 of 2013 pending on the file of the learned Judicial Magistrate, Ambasamuthiram, Tirunelveli District are withdrawn and transferred to the learned



Judicial Magistrate No.I, Tirunelveli. Since the trial has already commenced, the learned Judicial Magistrate No.I, Tirunelveli is directed to proceed with the trial in C.C.Nos.136 of 2013 and 158 of 2013 and complete the same within a period of three months from the date of receipt of a copy of this order. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Judicial Magistrate,
Ambasamuthiram,
Tirunelveli District.
- 2.The Judicial Magistrate No.I,
Tirunelveli.
3. The Inspector of Police,
Ambasamuthiram Police Station,
Ambasamuthiram,
Tirunelveli District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.A.THIRUVADI KUMAR, Advocate (SR-73355[F] dated 04/07/2019)

+1 CC to Mr.S.R.A.RAMACHANDHRAN, Advocate (SR-73659[F] dated 05/07/2019)

Cr1.O.P. (MD) .Nos.4538 and 4721 of 2017
03.07.2019

AKV

MK (01.08.2019) 3P 7C