



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE: 12.07.2018

CORAM :

THE HONOURABLE MR.JUSTICE **V.BHARATHIDASAN**

Cr1.O.P.(MD)No.7102 of 2019

and Cr1.M.P.(MD)No.4590 of 2019

1.Dinesh Kumar

2.Vasanthakumar

... Petitioners/Accused No.1 & 2
Vs.

1.The State

By the Inspector of Police,
Kumbakonam West Police Station,
Thanjavur District.

... 1st Respondent/Complainant

2.Harshita

... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 407 of Criminal Procedure Code, to withdraw the case in S.C.No.150 of 2019 from the file of the Mahila Court, Thanjavur and to transfer the same to the file of Mahila Court, Thiruvarur for trial.

For Petitioners : Mr.D.Venkatesh

For R1 : Mr.K.K.Ramakrishnan
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking transfer of investigation in S.C.No.150 of 2019 pending on the file of the Mahila Court, Thanjavur to the Mahila Court, Thiruvarur.

2.The petitioners herein are arrayed as A1 & A2 and they have been charged for the offences under Sections 366, 354(B), 376(D), 365, 387 & 393 IPC and the matter is pending before the learned Mahila Court, Thanjavur in S.C.No.150 of 2019. In this case totally there are five accused.

3.The case of the petitioners is that none of the Advocates from the Bar Association, Kumbakonam is appearing for the accused to conduct trial and Bar Association, Kumbakonam passed a resolution to that effect and hence, the accused are not in a position to conduct the trial. In the above circumstances, the petitioners filed this petition seeking transfer of the case in S.C.No.150 of 2019 from the file of the Mahila Court, Thanjavur to the file of the Mahila Court, Thiruvarur.



4.The learned Additional Public Prosecutor appearing for the first respondent, on instructions, would submit that on 11.07.2019, when the matter was called for framing charges, all the accused were duly represented through their counsel and Mr.Shanmugam, learned counsel, Thanjavur is appearing for the petitioners herein and charges were also framed by the learned trial Judge, and case was again posted on 18.07.2019.

5.Considering the facts and circumstances of the case and considering the fact that all the accused were duly represented by their counsel and the petitioners also engaged another counsel from Thanjavur, there is no necessary to transfer the case in S.C.No.150 of 2019 from the file of the Mahila Court, Thanjavur to the file of the Mahila Court, Thiruvarur. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Mahila Court, Thanjavur.

2.The Inspector of Police,
Kumbakonam West Police Station,
Thanjavur District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

CrI.O.P. (MD)No.7102 of 2019
12.07.2018

TR (16.07.2019) 2P 4C