



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 09.12.2019

CORAM:

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THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.(MD).No.8131 of 2019
and
Crl.M.P.(MD).No.5033 of 2019

Vinsent Raj

... Petitioner/15th Accused

Vs.

1.The Superintendent of Police,
Kanyakumari District,
Nagercoil.

2.The state rep. by,
The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.

3.Mariya Arputham

(R3 impleaded as per order
of this Court dated 30.09.2019
in Crl.M.P.(MD).No.8522 of 2019)

... Respondents

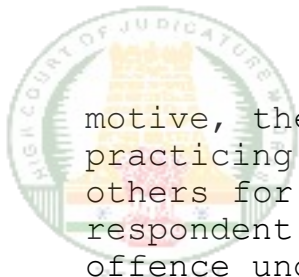
PRAYER: This Criminal Original Petition has been filed under Section 407 of Criminal Procedure Code, to withdraw the case in S.C.No.4 of 2019 pending on the file of the learned Chief Judicial Magistrate, Nagercoil transfer the same to the file of the learned Assistant Sessions Court, Valliyoor.

For Petitioner : Mr.M.R.Sreenivasan
For Respondents : Mr.S.Chandrasekar
1 & 2 Additional Public Prosecutor
For 3rd Respondent : Mr.R.Russelraj

O R D E R

This petition has been filed to withdraw the case in S.C.No.4 of 2019 pending on the file of the learned Chief Judicial Magistrate, Nagercoil transfer the same to the file of the learned Assistant Sessions Court, Valliyoor.

2. The petitioner is the accused No.15 in S.C.No.4 of 2019. The allegations made in the affidavit shows that due to personal



motive, the *de facto* complainant and 2nd witness Thiagarajan, being a practicing Advocate lodged a complaint against the petitioner and others for the alleged occurrence that took place on 15.10.2012. The respondent police registered a case in Crime No.736 of 2012 for the offence under Sections 352, 323 and 506(ii) of I.P.C, on 15.10.2012.

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3. When the petitioner wanted to engage a counsel to appear for him before the Court below, he found that due to the pressure given by the *de facto* complainant, a resolution has been passed in the Advocate Bar Association at Nagercoil to the effect that, no advocate will appear for the petitioner in the criminal case. Therefore, the petitioner left with no other option, has approached this Court seeking for transfer of the proceedings.

4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondents.

5. Taking into consideration the facts and circumstances of the case and in order to ensure fair trial to the petitioner, this Court is satisfied that the proceedings will have to be transferred to some other Court. The proceedings in S.C.No.4 of 2019 pending on the file of the learned Chief Judicial Magistrate, Nagercoil is withdrawn and transferred to the file of learned Chief Judicial Magistrate, Tirunelveli. The learned Chief Judicial Magistrate, Nagercoil shall send the entire case records within a period of two (02) weeks from the date of receipt of a copy of this order to the learned Chief Judicial Magistrate, Tirunelveli. The learned Chief Judicial Magistrate, Tirunelveli shall immediately on receipt of the case records renumber the case and shall proceed further in accordance with law and complete the proceedings within a period of three months thereafter.

6. Accordingly, the Criminal Original Petition is disposed of with the above directions. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

vsg
To:

1. The Chief Judicial Magistrate,
Nagercoil.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Chief Judicial Magistrate,
Tirunelveli.

3.The Assistant Sessions Court,
Valliyoor.

4.The Superintendent of Police,
Kanyakumari District,
Nagercoil.

5.The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.

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

+1.CC. To Mr.M.R.Sreenivasan, Advocate in SR No.104144

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and
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MK (02.01.2020) 3P 8C