



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.03.2019

CORAM :

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

Crl.O.P.(MD)No.22311 of 2018

and

Crl.M.P.(MD)No.10451 of 2018

Karthika

... Petitioner / Complainant

/Vs./

1.Sathish Kumar
2.Rajendran
3.Vijayalakshmi
4.Jegatheeskumar
5.Ponnusamy @ Ramasamy
6.Ravichandran
7.Mavadian
8.Selvi
9.Palanisamy
10.Easwari

... Respondents / Respondents

Prayer: Petition - filed under Section 482 of the Criminal Procedure Code, to withdraw the case in DVP.No.18 of 2016 on the file of the Judicial Magistrate Court No.I, Karur District and transfer the same to any other competent Court in other district.

For Petitioner	: Mr.N.Mohideen Basha
For Respondents	: Mr.K.Hariharan

ORDER

This criminal original petition is filed seeking transfer of the the petitioner's complaint pending in DVP.No.18 of 2016 from the Judicial Magistrate Court No.I, Karur District to any other Court.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

3. The learned counsel appearing for the petitioner would submit that earlier, the petitioner filed a criminal case in C.C.No.205 of 2016 for offences punishable under the Dowry Prohibition Act, in which the learned Magistrate acquitted all the accused persons. The learned counsel appearing for the petitioner would now submit that the Magistrate has quipped on the case and if he tries this case, it would meet the same fate.



4. As to the second part of the statement made by the petitioner, the learned counsel appearing for the respondents took strong objection. However, on principle, he did not oppose transfer of case to any other Court, but within Karur.

5. Without going into the merits of the allegation made against the learned Magistrate and atleast to save embarrassment for the learned Magistrate, this Court considers it appropriate to transfer the case to the learned Judicial Magistrate No.II, Karur. The transferee Court will now dispose of the case, within a period of sixteen weeks from the date of receipt of material papers, from the transferrer Court. The respondents are free to approach the trial Court under Section 205 Cr.P.C., seeking dispensation from appearance.

6. Accordingly, this criminal original petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

/ True Copy /

Sub Assistant Registrar(CS)

To

The Judicial Magistrate No.I,
Karur District

+1 CC to M/s.N.MOHIDEEN BASHA, Advocate
(SR-52301[F] dated 07/03/2019)

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Order made in
Cr1.O.P.(MD)No.22311 of 2018

Dated:
07.03.2019

ES/SP/29.04.2019/2P/3C