



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.11.2019

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.(MD)No.14349 of 2019

and

Crl.M.P.(MD)No. 8667 of 2019

Raj @ Prem Raj

...Petitioner/Defacto Complainant

-Vs-

1.The Inspector of Police
Kaliyakavilai Police Station,
Kanyakumari District
(Crime No.384 of 2015)

... 1st Respondent/Complainant

2.Biju

3.Sesil

... Respondents 2 & 3/Accused 1 & 2

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to transfer the Case in C.C.No.05 of 2017 on the file of the Learned Judicial Magistrate No.I, Kuzhithurai, Kanyakumari District to any Court of competent jurisdiction in Tirunelveli District

For Petitioner : Mr.A.Thiruvadi Kumar

For R1 : Mr.K.Suyambulinga Bharathi
Government Advocate(crl.side)

For R2 : Mr.H.Elango

O R D E R

This Criminal Original Petition has been filed to transfer the Case in C.C.No.05 of 2017 on the file of the Learned Judicial Magistrate No.I, Kuzhithurai, Kanyakumari District to any Court of competent jurisdiction in Tirunelveli District.

2. Heard both sides.

3. The only point raised by the petitioner is that the defacto complainant is a practicing Advocate in Kanyakumari District and also he is also a Member of Kuzhithurai Bar and hence, he would not



get fair justice if the trial proceeds in the same Court.

4. Admittedly, the second respondent / A1 is an Advocate and also the Member of the Bar, on the strength of Advocate he can appear before any Court. Therefore, on that ground, the transfer petition cannot be considered. However, considering the fact that the trial is pending from the year 2017, the learned Judicial Magistrate No.I, Kuzhithurai, Kanyakumari District, is directed to proceed with the trial and complete the same within a period of six months from the date of receipt of a copy of this order.

5. Accordingly, the Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

Ls

To

The Judicial Magistrate No.I,
Thoothukudi, Thoothukudi District

Copy to:

The Section Officer, (2 Copies)
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD)No.14349 of 2019
21.11.2019

JMN(13.12.2019) 2P : 4C