



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2019

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P (MD) No.14339 of 2019

and

Crl.M.P.(MD) Nos.8657 of 2019

Davidraj

... Petitioner

Vs

V.Pavel

... Respondent

PRAYER: Criminal Original Petitions filed under Section 482 of Cr.P.C, praying to withdraw the case from the Court of Fast Track Court No.II, Madurai (JM Level) in STC No.122 of 2016 and to transfer the case to any of the Magistrate Court at Srivilliputhur, Virudhunagar District.

For Petitioner : Mr.B.Balan

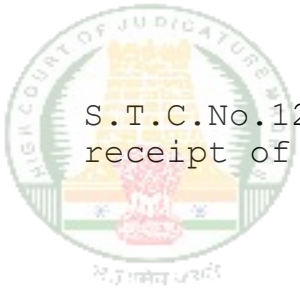
O R D E R

This petition has been filed by the petitioner to withdraw the case from the Court of Fast Track Court No.II, Madurai (JM Level) in STC No.122 of 2016 and to transfer the case to any of the Magistrate Court at Srivilliputhur, Virudhunagar District.

2.The learned counsel appearing for the petitioner would submit that the respondent is none other than the own counsel of the petitioner and he is very influenced with the trial Court and if the trial is continued in Madurai District, the petitioner would not get fair justice. Further, the other advocates, who are intended to appear on behalf of the petitioner were threatened by the respondent and as such, no one is offering to appear on behalf of the petitioner.

3.It is seen from the records that the respondent is representing through his power agent and though he is a practising advocate in the same Bar, he is an Advocate and he could go any Court and hence, even though the case is transferred to any Court, he can appear before the said Court. Therefore, on that ground, this transfer petition cannot be granted.

4.Accordingly, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is also dismissed. However, the personal appearance of the petitioner before the trial Court is dispensed with, except the dates on which, the learned trial Judge insisted the personal appearance of the petitioner before the trial Court. Further, the learned Judicial Magistrate, Fast Track Court No.II is directed to disposed of the case in



WEB COPY

CRL.O.P (MD) No.14339 of 2019

S.T.C.No.122 of 2016 within a period of 6 months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

To

The Judicial Magistrate (Fast Track No.II)
Madurai.

Arul /sma/29/11/19/2p/2c

Order made in
CRL.O.P (MD) No.14339 of 2019
11.11.2019