



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 03.12.2019**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**CRL OP (MD) . No.18537 of 2015**

**and**

**M.P. (MD) . Nos.1 and 2 of 2015**

WEB COPY

1.Chandra Bose @ Bose  
2.Dinesh  
3.Chandrasekar

... Petitioners/Accused 1 to 3

-Vs-

1.The Inspector of Police, ,  
Puthukadai Police Station,  
Kanyakumari District. ... 1<sup>st</sup> Respondent/Complainant  
(Crime No.262/2012)

2.Reegan ...2<sup>nd</sup> Respondent/Defacto Complainant

**Prayer:** Criminal Original Petition filed under Section 407 of Cr.P.C, to withdraw the case in C.C.No.113 of 2012, on the file of the Judicial Magistrate No.II, Kuzhithurai and transfer the same to any one of the Judicial Magistrate Court situated in the Thirunelveli District.

For Petitioners : Mr.B.Brijesh Kishore

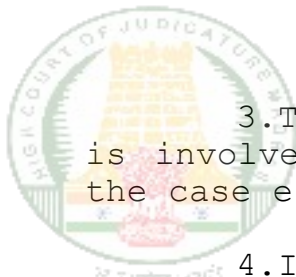
For Respondents : Mr.A.Robinson  
Govt. Advocate (Crl. Side) for R1

: Mr.S.C.Herold Singh for R2

**O R D E R**

The petitioners are facing trial in C.C.No.113 of 2012 on the file of the learned Judicial Magistrate No.II, Kuzhithurai. The second respondent/Reegan is the defacto complainant.

2.It is seen that the first petitioner herein gave a complaint against the second respondent and two others on 24.07.2012 before puthukadai Police Station for the offences under Section 341, 294(b), 324, 323 and 506(ii) of I.P.C. The case was registered as Crime No.261 of 2012. A1/Sathish Kumar is a lawyer practicing in Kuzhithurai Bar. Crime No.262 of 2012 was lodged by the second respondent against the petitioners. While Crime No.261 of 2012 was closed as mistake of fact, Crime No. 262 of 2012 culminated in a charge sheet.



3.The petitioners' apprehension is that since a local lawyer is involved in this case, they will have difficulty in contesting the case effectively.

4.It appears that some resolution has been passed and that the petitioners are unable to avail the assistance of the local counsel. The learned counsel appearing for the second respondent does not seriously oppose the prayer made in this criminal original petition. Considering the over all facts and circumstances and in the interest of justice and to ensure that the petitioners have fair and effective defence, the case is transferred from the file of the learned Judicial Magistrate No.II, Kuzhithurai to the file of the learned Judicial Magistrate, Valliyoor.

5.The criminal original petition stands allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Ias

To:

1.The Judicial Magistrate No.II,  
Kuzhithurai.

2.The Inspector of Police, ,  
Puthukadai Police Station,  
Kanyakumari District.

3.The Judicial Magistrate,  
Valliyoor.

Copy to

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

+1 CC to Mr.S.C.HEROLD SINGH, Advocate ( SR-103230[F] dated 04/12/2019 )

+1 CC to Mr.B.BRIJESH KISHORE, Advocate ( SR-103248[F] dated 04/12/2019 )

**Cr1.O.P. (MD)No.18537 of 2015**

**03.12.2019**

VB(03.06.2020) 2P 7C

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