



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.10.2019

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P (MD) No. 7031 of 2018

and CrI.M.P.(MD) No. 3333 of 2018

K. Kumar ... Petitioner/Defacto Complainant

Vs

1. The Inspector of Police,
SIPCOT Police Station,
Sivagangai District.

2. Thavammani,
Sub-Inpsecotr of Police,
SIPCOT Police Station,
SIPCOT, Manamadurai,
Sivagangai District.

3. Saravanan,
Constable,
SIPCOT Police Station,
SIPCOT, Manamadurai,
Sivagangai District.

4. K. Perumal

5.P. Kalaiyarasi

6.

... Respondents/Complainants

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to transfer the case in Cr.M.P. No.1949 of 2014 on the file of the learned Judicial Additional District Munsif Cum Judicial Magistrate, Manamadurai, Sivagangai District on the file of the respondent to any other District competent Court.

For Petitioner : Mr.T. Lajapathiroy

For Respondent-1 : Mr. K. Suyambulinga Bharathi,
Government Advocate (Crl. Side)

O R D E R

This petition has been filed to transfer the case in Cr.M.P. No.1949 of 2014 on the file of the learned Judicial Additional District Munsif Cum Judicial Magistrate, Manamadurai, Sivagangai



District on the file of the respondent to any other District competent Court.

2. The learned counsel appearing for the petitioner would submit that for the past four years the accused persons evaded service of summons and without even receiving the summons prolonging the issue. The trial Court did not even issue any warrant as against the accused persons and simply adjourned the matter time to time. Therefore, seeking transfer from the trial Court to any other Court.

3. It is seen that the trial Court had taken cognizance on a private complaint lodged by the petitioner for the offences under sections 166, 342, 323, 355 & 506(i) of IPC as against the accused persons. Unfortunately, the served summons were returned for the reason that the accused persons are evaded the served summons.

4. Considering the facts and circumstances, transfer of entire case would not serve any purpose and hence, the Judicial Additional District Munsif Cum Judicial Magistrate, Manamadurai, Sivagangai District is directed to take appropriate action to serve summons to the respondents. If they evaded the summons, issued warrant in the manner known to law against them and proceed with the trial. It is seen that the private complaint is pending from 2014 onwards, the trial Court is also directed to complete the entire trial, within a period of Six months from the date of receipt of copy of the order.

5. With the above observations, the Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar(CS)

ksa

To

1. The Judicial Additional District Munsif
Cum Judicial Magistrate, Manamadurai,
Sivagangai District.

2. The Inspector of Police,
SIPCOT Police Station,
Sivagangai District.

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



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

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-95074[F] dated
31/10/2019)

Order made in
CRL.O.P (MD) No. 7031 of 2018
30.10.2019

_KK/SAR/18.11.2019/3P-5C/