



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.10.2019**

CORAM:

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

Crl.O.P(MD)No.13256 of 2019

and

Crl.M.P(MD)Nos.8140 and 8141 of 2019

WEB COPY

1.Esakki Raja
2.Barathlingam

...Petitioners/Accused Nos.1 & 2

Vs.

Susi

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 407 of Cr.P.C. praying to transfer the case in C.C.129 of 2018 from the file of the Judicial Magistrate Court No.III, Nagercoil to any other competent Court at Tirunelveli District.

For Petitioners : Mr.R.Krishnan

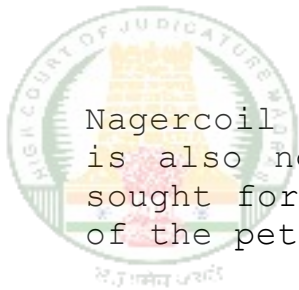
For Respondent : Mr.K.Vamanan

O R D E R

This petition has been filed to transfer the case in C.C.129 of 2018 from the file of the Judicial Magistrate Court No.III, Nagercoil to any other competent Court at Tirunelveli District.

2. The learned counsel for the petitioners would submit that this is the false complaint foisted as against the petitioners and another by the respondent. The learned Magistrate taken cognizance and issued summons to the petitioners. He further submitted that the son of the respondent, who is studying Law Degree and practising at Nagercoil Court. Therefore, the petitioners could not able to appear before the trial Court and engage a counsel for the effective trial. He further submitted that the sister of the respondent is also an advocate and practising at Nagercoil Bar. Therefore, he sought for transfer the case to any other competent Court.

3.The learned counsel for the respondent would submit that there are specific allegations in complaint as against the petitioners and now the learned Magistrate rightly taken cognizance and issued summons to the petitioners for the offence under Sections 166, 211, 294(b), 307, 379 (N.P), 324, 341, 352, 355, 384, 427, 506(ii) IPC r/w 4 of Prohibition of Women Harassment Act. He further submitted that the son of the respondent is studying third year Law Degree and he did not



Nagercoil Bar Association. Further, the sister of the respondent is also not a member of Nagercoil Bar. Therefore, the grounds sought for by the petitioners is baseless and prayed for dismissal of the petition.

4. Heard both sides and perused the materials available on records.

5. It is seen that the petitioners herein are arrayed as A1 and A2 on the complaint lodged by the respondent for the offence under Sections 166, 211, 294(b), 307, 379 (N.P), 324, 341, 352, 355, 384, 427, 506(ii) IPC r/w 4 of Prohibition of Women Harassment Act. The petitioners sought for transfer of the case only on the grounds that the son of the respondent is the member of the Nagercoil Bar and the sister of the respondent is also an advocate practising at Nagercoil Bar. Therefore, the petitioners are could not able to attend the trial Court for each and every hearing as there are some obstruction on the side of the respondent. It is seen that the son of the respondent is studying Law Degree and never completed and did not even a member of Nagercoil Bar. Further, the sister of the respondent also not being a member of the Nagercoil Bar. Therefore, the petitioner can very well appear before the trial Court for engaging counsel.

6. Therefore, this Criminal Original Petition is devoid of merits and liable to be dismissed. Accordingly, the same is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

vsd

To

The Judicial Magistrate No.III,
Nagercoil.

+1 CC to M/s.R.KRISHNAN, Advocate (SR-93578[F] dated 22/10/2019)

+1 CC to M/s.K.VAMANAN, Advocate (SR-93921[F] dated 23/10/2019)

Crl.O.P(MD)No.13256 of 2019

and

Crl.M.P(MD)Nos.8140 and 8141 of 2019

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