



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.10.2019

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

CRL.O.P (MD) No. 22777 of 2018

and

CRL.M.P (MD) No. 10742 of 2018

Jegatha @ Antony Jegatha

... Petitioner/1st accused

Vs.

Senthil Kumar

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to withdraw and transfer the case in C.C. No.218 of 2012 on the file of the learned Judicial Magistrate No.I, Nagercoil to any other Magistrate Court in Tirunelveli District forthwith.

For Petitioner : Mr.M.Karunanithi

O R D E R

This Criminal Original Petition has been filed to transfer the case in C.C. No.218 of 2012 on the file of the learned Judicial Magistrate No.I, Nagercoil to any other Magistrate Court in Tirunelveli District forthwith.

2. The learned counsel appearing for the petitioner submitted that the respondent has filed a private complaint and the same has been taken cognizance in C.C. No.218 of 2012 for the offences under Sections 166, 294(b), 323, 506(ii) and 500 of IPC as against the two accused persons in which the petitioner was arraigned as A-1. The allegation in the complaint is that while the petitioner was working as Sub-Inspector of Police, Rajakkamangalam Police Station, on a complaint lodged by one Rosammal against the petitioner and the second accused was Inspector of Police, conducted enquiry as against the respondent/defacto complainant. In this regard, there was a quarrel between the respondent and the accused persons. Therefore, he lodged a private complaint and the same has been taken cognizance for the above said offences. He further submitted that the respondent/defacto complainant is practicing as Advocate in the same Bar, namely, Nagercoil. Now, the present complaint is pending on the file of the learned Judicial Magistrate No.I, Nagercoil. Therefore, if the trial continues in the same Court, the petitioner would not get fair trial and justice, in accordance with law. Hence, prays for transfer the case.

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

3. Though, notice was served to the respondent and his name was also printed in the cause list, none appeared on his side.



4. It is admitted that the respondent is practicing as Advocate in Nagercoil Bar and the complaint is also pending on the file of the learned Judicial Magistrate No.I, Nagercoil, Kanyakumari District. Further, the petitioner and other accused are police officials.

5. Considering the facts and circumstances, this Court finds, if the trial will continue in the same Court, there would not be fair trial. Therefore, the complaint in C.C. No.218 of 2012 on the file of the learned Judicial Magistrate No.I, Nagercoil is hereby withdrawn and the same is transferred to the file of the learned Judicial Magistrate No.I, Tirunelveli. The learned Judicial Magistrate No.I, Tirunelveli is directed to complete the trial, within a period of six months, from the date of entire case bundle received from the learned Judicial Magistrate No.I, Nagercoil in respect of C.C. No.218 of 2018.

6. With the above directions, the Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

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To

1. The Judicial Magistrate No.I,
Nagercoil.

2. The Judicial Magistrate No.I,
Tirunelveli.

+1 CC to Mr.M.KARUNANITHI, Advocate (SR-95123[F] dated 31/10/2019)

CRL.O.P (MD) No. 22777 of 2018
30.10.2019

VB(25.11.2019) 2P 4C