



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 20.09.2019
CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P. (MD) .No.10514 of 2017
and
Crl.M.P(MD)No.7188 of 2017

Silvestre ... Petitioner/Accused
Vs.
P.Poulraj ... Respondent/ Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to withdraw the case in C.C.No.152 of 2014 on the file of the learned Judicial Magistrate No.II, Kuzhithurai and transfer the same to some other Court in a near district.

For Petitioner : Mr.K.Ashok Kumar Ram
For Respondent : Mr.M.P.Sreenivasan

O R D E R

This Criminal Original Petition has been filed seeking transfer of C.C.No.152 of 2014 pending on the file of the learned Judicial Magistrate No.II, Kuzhithurai to the file of any other Court.

2. The petitioner is an accused in C.C.No.152 of 2014. The allegations made in the affidavit shows that there was some dispute between the petitioner and respondent, due to which, on 26.04.2011, the petitioner scolded the respondent by using filthy language and also attacked him. Therefore, the respondent gave a complaint before the Kollemcode Police Station. The case was registered in Crime No.94 of 2011, for the offences under Sections 341, 294(b), 324 and 506(ii) IPC. After investigation, the Kollemcode police closed the complaint as 'mistake of fact' and filed a final report before the learned Judicial Magistrate No.II, Kuzhithurai. Thereafter, the respondent filed a private complaint before the learned Judicial Magistrate No.II, Kuzhithurai.

3. When the petitioner wanted to engage a counsel to appear for him before the Court below, he found that the respondent/complainant is a practicing Advocate in the same Court and due to his pressure, a resolution has been passed in the Advocate Bar Association at Nagercoil to the effect that, no advocate will appear for the petitioner in the criminal case. Therefore, the petitioner left with no other option, has approached this Court seeking for transfer of the proceedings.



4. Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondent.

5. Taking into consideration the facts and circumstances of the case and in order to ensure fair trial to the petitioner, this Court is satisfied that the proceedings will have to be transferred to some other Court. The proceedings in C.C.No.152 of 2014 pending on the file of the learned Judicial Magistrate -II , Kuzhithurai is withdrawn and transferred to the file of learned Judicial Magistrate, Padmanabhapuram. The learned Judicial Magistrate-II, Kuzhithurai shall send the entire case records within a period of two(02) weeks from the date of receipt of a copy of this order to the learned Judicial Magistrate, Padmanabhapuram. The learned Judicial Magistrate, Padmanabhapuram shall immediately on receipt of the case records renumber the case and shall proceed further in accordance with law and complete the proceedings within a period of three months thereafter.

6. Accordingly, the Criminal Original Petition is disposed of with the above directions. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Judicial Magistrate No.II,
Kuzhithurai.

2. The Judicial Magistrate,
Padmanabhapuram.

+1 CC to Mr.M.R.SREENIVASAN, Advocate (SR-88989[F] dated 24/09/2019)

Order made in
Crl.O.P.(MD).No.10514 of 2017
Dated:20.09.2019

DAS

MK (16.10.2019) 2P 4C