





with filthy language and also attacked the petitioners. Therefore, the petitioners lodged a complaint before the Kaliyakkavilai Police Station and the same was registered in Crime No.383 of 2012. Thereafter, the first respondent also lodged a complaint against the petitioner stating that when he visited the petitioner's restaurant, for having food, the food was not cooked properly. The same was questioned by the respondent herein, the petitioners herein attacked him and caused injuries. Therefore, the respondent herein filed a private complaint before the learned Judicial Magistrate No.I, Kulithurai.

3. When the petitioners wanted to engage a counsel to appear for them before the Court below, they found that the first respondent is a practicing Advocate at Nagercoil and Kulithurai 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 petitioners in the criminal case. Therefore, the petitioners left with no other option, has approached this Court seeking for transfer of the proceedings.

4. Heard the learned counsel for the petitioners and the learned counsel appearing for the respondents.

5. Taking into consideration the facts and circumstances of the case and in order to ensure fair trial to the petitioners, this Court is satisfied that the proceedings will have to be transferred to some other Court. The proceedings in C.C.No.93 of 2017 pending on the file of the learned Judicial Magistrate No.I, Kuzhithurai is withdrawn and transferred to the file of learned Judicial Magistrate, Padmanabhapuram. The learned Judicial Magistrate No.I, 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 (P&A)

// True Copy //

Sub Assistant Registrar(CS)



1.The Judicial Magistrate No.I,  
Kulithurai.

2.The Judicial Magistrate,  
Padmanabhapuram.

Order made in  
Crl.O.P. (MD) .No.10718 of 2017  
and  
Crl.M.P (MD) Nos.7357 of 2017  
Dated:  
20.09.2019

KM/ (21.10.2019) 3P 3C