



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE **N.ANAND VENKATESH**

Crl.O.P.[MD].No.14251 of 2017

and

Crl.M.P(MD)Nos.9503 and 9504 of 2017

1.Abdul Kareem
2.A.Kalifullah

: Petitioners

Vs.

1.The State of Tamil Nadu
rep.by the Inspector of Police,
Cantonment Police Station,
Trichy City, Trichy District.
(Crime No.2553 of 2010)

2.Suresh Babu

: Respondents

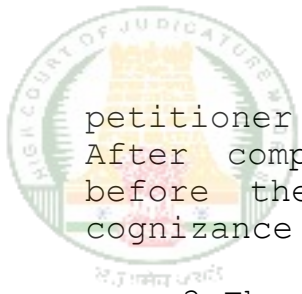
PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating to the case in C.C.No.259 of 2011, pending on the file of the learned Judicial Magistrate No.I, Trichy and transfer the same to any other competent Court outside the District of Trichy to be disposed within a reasonable time.

For Petitioners	: Mr.N.Dilip Kumar
For R1	: Mr.S.Chandrasekar, Additional Public Prosecutor
For R2	: Mr.A.V.Rajasekaran

O R D E R

The Criminal Original Petition has been filed seeking transfer of proceeding in C.C.No.259 of 2011, pending on the file of learned Judicial Magistrate No.I, Trichy.

2.The transfer has been sought for merely on the ground that the second respondent is a practicing advocate and he used to appear for the wife of the petitioner, when there was a dispute between the parties. There was some quarrel which took place during the mediation process, which resulted in complaint given against the



petitioner and the same was registered in Crime No.2553 of 2010. After completion of investigation, final report has been filed before the learned Judicial Magistrate No.I, Trichy and taken cognizance in C.C.No.259 of 2011.

3.The dispute between the husband and the wife was resolved. However the dispute between the petitioner and the counsel, who has appearing for the wife is continuing by way of criminal proceedings. The petitioner apprehends that he will not be able to get fair trial, since the second respondent and other witnesses are advocates, practicing in the same Court. Therefore, the petitioner seeks to transfer the case to the file of some other Court.

4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the first respondent and also the learned counsel for the second respondent.

5.The learned counsel for the petitioner submitted that the first petitioner is now working in Chennai and therefore, his presence may be dispensed with.

6.Accepting the said submissions, the presence of the first petitioner is dispensed with and he shall be represented by a counsel. The first petitioner shall present before the Court below at the time of framing charges, questioning under Section 313 Cr.P.C and at the time of passing judgment. The counsel appearing for the first petitioner shall cross examine the witnesses on the same day they are examined in chief. The petitioner shall not dispute the identity of the witnesses.

7.Taking into consideration of the facts and circumstances of the case, this Court is inclined to transfer the proceedings in C.C.No.259 of 2011.

8.The learned Judicial Magistrate No.I, Trichy, is directed to hand over the entire case records to the learned Judicial Magistrate No.V, Madurai within a period of two weeks from the date of receipt of a copy of this order. Immediately, on receipt of the case records, the learned Judicial Magistrate No.V, Madurai shall renumber the case and complete the proceedings as expeditiously as possible.

9.This Criminal Originally is allowed with the above directions. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

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das

To

1.The Judicial Magistrate No.I, Trichy,

2.The Judicial Magistrate No.V, Madurai.

3.The Inspector of Police,
Cantonment Police Station,
Trichy City, Trichy District.

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

+1 CC to M/s.A.V.RAJASEKARAN, Advocate (SR-88509[F] dated
23/09/2019)

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-88924[F] dated 24/09/2019)

Crl.O.P.[MD].No.14251 of 2017
and

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20.09.2019

JM/11.10.2019/3P/7C