



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

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P. (MD) No.15308 of 2017
and Crl.M.P.No.10176 of 2017

Sudalai Kannu @ Suresh Kanna

... Petitioner/ Respondent

-vs-

Kasilakshmi

... Respondent/Petitioner

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to transfer in M.C.No.16 of 2015 on the file of the Judicial Magistrate, Srivaikundam, Thoothukudi District to the file of the Judicial Magistrate, Ambasamudram, Tirunelveli District.

For Petitioner : Mr.S.Saji Bino

O R D E R

This petition has been filed seeking for the transfer of the matrimonial case filed by the respondent in M.C.No.16/2015, pending on the file of the Judicial Magistrate, Srivaikundam.

2. This transfer petition has been filed mainly on the ground that the Court below had not complied with the mandatory requirement under Sections 328 and 329 of the Code of Criminal Procedure and had proceeded to examine the respondent, who is said to be suffering from mental illness.

3. The ground raised by the petitioner does not warrant a transfer and it is a disputed question of fact, which can be decided by the Court below. This Court does not find any ground to transfer the proceedings and accordingly, this Criminal Original Petition is dismissed. There shall be a direction to the Court below to complete the proceedings in M.C.No.16/2015, within a period of three months from the date of receipt of copy of this order. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)



To

The Judicial Magistrate,
Srivaikundam,
Thoothukudi District

Crl.O.P. (MD) No.15308 of 2017
and Crl.M.P.No.10176 of 2017
20.09.2019

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