



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CrI.O.P.(MD).No.15600 of 2017

and

CrI.M.P(MD)Nos.10371 and 10372 of 2017

1.T.Ayyappan
2.K.Ayyappan

... Petitioners/Accused No.1 and 2

Vs.

1.The Inspector of Police Station,
Kottar Police Station,
Nagercoil,
Kanyakumari District.
Crime No.35 of 2016.

...Respondent/Complainant

2.P.Thayananthan

... Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to withdraw the case in S.T.C.No.114 of 2017, on the file of the Judicial Magistrate Court No.II, Nagercoil at Kanyakumari District and transfer the same to the file of Judicial Magistrate, Vallioor, Tirunelveli District.

For Petitioner : Mr.K.Sudalaiyandi

For R1 : Mr.S.Chandrasekar
Additional Public Prosecutor

For R2 : Mr.M.P.Senthil

O R D E R

This Criminal Original Petition has been filed seeking transfer of S.T.C.No.114 of 2017, pending on the file of the Judicial Magistrate Court No.II, Nagercoil to the file of Judicial Magistrate, Vallioor, Tirunelveli District.

2. The petitioner is an accused in S.T.C.No.114 of 2017. The allegations made in the affidavit shows that there was a family
<https://hcservices.ecourts.gov.in/hcservices/>



dispute between the petitioners' and the defacto complaint. Therefore, the second respondent lodged a complaint before the first respondent police. After conducting investigation, the first respondent police filed a charge sheet before the learned Judicial Magistrate No.II, Nagercoil and the same was taken cognizance in S.T.C.No.114 of 2014.

3. When the petitioners wanted to engage a counsel to appear for them before the Court below, he found that the second respondent is a practicing Advocate at Nagercoil. Therefore, 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 Additional Public Prosecutor appearing for the first respondent and also the learned counsel for the second respondent.

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 S.T.C.No.114 of 2014, pending on the file of the learned Judicial Magistrate Court No.II, Nagercoil, is withdrawn and transferred to the file of learned Judicial Magistrate, Vallioor, Tirunelveli District. The learned Judicial Magistrate Court No.II, Nagercoil, 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, Vallioor, Tirunelveli District. The learned Judicial Magistrate, Vallioor, Tirunelveli District 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 petitions are closed.

Sd/-

Assistant Registrar (AD II)

// True Copy //

Sub Assistant Registrar(CS)

das



To

1.The Judicial Magistrate Court No.II,
Nagercoil at Kanyakumari District.

2.The Judicial Magistrate, Vallioor,
Tirunelveli District.

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

Copy to:

1.The Chief Judicial Magistrate,
Kanyakumari District.

2.The Chief Judicial Magistrate,
Tirunelveli District.

+1 CC to M/s.K.SUDALAIYANDI, Advocate (SR-88608[F] dated 23/09/2019
)

das

Crl.O.P. (MD) .No.15600 of 2017

and

Crl.M.P (MD) Nos.10371 and 10372 of 2017

Dated:

20.09.2019

KK/SAR/17.10.2019/3P-7C/