



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.4498 of 2017

Krishnan

... Petitioner/Accused No.1

Vs.

1) The State Rep. by
The Inspector of Police,
Arumanai Police Station,
Kanyakumari District,
(Crime No.271 of 2014)

2) Stanley John ... Respondent/ Complainant

** R2 impleaded as per order of this Court made in Crl.M.P.(MD) No.5945 of 2017 in Crl.O.P.(MD) No.4498 of 2017 dated 02.02.2018.*

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C. to withdraw the case in C.C.No.241 of 2016 on the file of the learned Judicial Magistrate No.I, Kuzhithurai and transfer the same to some other district.

For Petitioner : Mr.M.Veilkani Raju

For R1 : Mr.S.Chandrasekar,
Additional Public Prosecutor

For R2 : No Appearance

O R D E R

This Criminal Original Petition has been filed seeking for the transfer of C.C.No.241 of 2016 pending on the file of the learned Judicial Magistrate No-I, Kuzhithurai to the file of any other Court.

2. The petitioner is the accused in C.C.No.241 of 2016. The allegations made in the affidavit shows that there is a suit pending between the parties in O.S.No.49 of 2014 before the Sub Court, Kuzhithurai. An Advocate Commissioner was appointed and when he visited the property, there arose some verbal quarrel between the



parties and the petitioner is said to have been attacked by the *de facto* complainant and this resulted in the criminal case.

3. When the petitioner wanted to engage a counsel to appear for him before the Court below, he found that the *de facto* complainant is a practicing Advocate at Nagercoil 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 Additional Public Prosecutor appearing on behalf of the first 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 The proceedings in C.C.No.241 of 2016 pending on the file of the learned Judicial Magistrate -I , Kuzhithurai is withdrawn and transferred to the file of learned Judicial Magistrate, Valliyoor. The learned Judicial Magistrate-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, Valliyoor. The learned Judicial Magistrate, Valliyoor 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.

Sd/-
Assistant Registrar(CS-III)

/TRUE COPY/

Sub Assistant Registrar

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To

1 The Judicial Magistrate No.I,
Kuzhithurai, Kanniyakumari District.

2.The Chief Judicial Magistrate,
Valliyoor, Tirunelveli District.



3.The Inspector of Police,
Arumanai Police Station,
Kanyakumari District,

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

Order made in
Crl.O.P. (MD) .No.4498 of 2017

Dated:
20.09.2019

JM/25.10.2019/3P/5C