



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

WEB COPY

Crl.O.P. (MD) .No.7518 of 2017 & Crl.M.P. (MD) No.5150 & 5151 of 2017;
Crl.O.P. (MD) .No.7522 of 2017 & Crl.M.P. (MD) No.5152 & 5153 of 2017
and
Crl.O.P. (MD) .No.7528 of 2017 & Crl.M.P. (MD) No.5158 & 5159 of 2017

1) M/s.Satyam College of
Engineering & Technology,
Rep. by its Chairman,
Mr.A.Thinakar,
Satyam Nager, Aralvaimozhi Post,
Agasteeswaram Taluk,
Kanyakumari District.

2) A.Thinakar ... Petitioner/ Accused 1 & 2
in all the three Crl.O.P's

Vs.

1) J.Ahilan ... Respondent/ Complainant in
Crl.O.P. (MD) No.7518 of 2017

2) V.Jeyavickraman ... Respondent/ Complainant in
Crl.O.P. (MD) No.7522 of 2017

3) C.Siva Kodeeswaran ... Respondent/ Complainant in
Crl.O.P. (MD) No.7528 of 2017

PRAYER in Crl.O.P. (MD) No.7518 of 2017: Criminal Original Petition is filed under Section 482 of Cr.P.C. to withdraw the case in S.T.C.No.41 of 2017 on the file of the Judicial Magistrate-I (Fast Track Court) Nagercoil and transfer the same to Judicial Magistrate at Valliyoor, Tirunelveli District, which is having competent jurisdiction to try the matter.

PRAYER in Crl.O.P. (MD) No.7522 of 2017: Criminal Original Petition is filed under Section 482 of Cr.P.C. to withdraw the case in S.T.C.No.284 of 2016 on the file of the Fast Track Court (Magisterial Level) No.I, Nagercoil and transfer the same to Judicial Magistrate at Valliyoor, Tirunelveli District, which is having competent jurisdiction to try the matter.

PRAYER in Crl.O.P. (MD) No.7528 of 2017: Criminal Original Petition is filed under Section 482 of Cr.P.C. to withdraw the case in



S.T.C.No.285 of 2016 on the file of the Fast Track Court (Magisterial Level) No-I, Nagercoil and transfer the same to Judicial Magistrate at Valliyoor, Tirunelveli District, which is having competent jurisdiction to try the matter.

In all three cases:

For Petitioners : Mr.C.K.M.Appaji
For Respondents : No Appearance

C O M M O N O R D E R

Since the issue involved in all the three criminal original petitions are one and the same, they are disposed of by this common order.

2. These petitions have been filed seeking for the transfer of the proceedings in STC Nos.41 of 2017 and 284 & 285 of 2016 pending on the file of the Fast Track Court (Magisterial Level)-I, Nagercoil to some other Court, which is having competent jurisdiction to try the matter.

3. It is brought to the notice of this Court that, this Court had, in connected cases, already passed an order transferring the proceedings to the learned Judicial Magistrate, Padmanabhapuram and the same can be passed in these cases also.

4. Heard the learned counsel appearing for the petitioners. The respondents in all the three cases have been served with notice and their names were also printed in the cause list but none appeared for the respondents.

5. This Court has passed the following order in connected Crl.O.P.(MD) Nos.4819 to 4822, 5151, 5200 & 5202 of 2017, dated 24.10.2018, and the relevant paragraphs are extracted hereunder:

"5. It is seen from records that in every complaint, the complainant is an advocate and is practicing before the Court below. Therefore, in order to ensure a just and fair trial in this case, the Court deems it fit to transfer the proceedings pending before the Court below to some other Court.

6. In view of the above, the proceedings in STC Nos.282, 283 & 286 of 2016 and STC Nos.11,12,39 & 42 of 2017 pending on the file of the Fast Track Court (Magisterial Level) No.I, Nagercoil is withdrawn and transferred to the file of the Judicial Magistrate Court, Padmanabhapuram. The learned Judicial Magistrate, Fast Track Court (Magisterial Level) No.I, Nagercoil is directed to immediately send the case records to the learned Judicial Magistrate, Padmanabhapuram and the



learned Judicial Magistrate, Padmanabhapuram on receipt of case records is directed to immediately renumber the same and proceed further in accordance with law."

6. The facts of the present case is also similar to the above batch of cases. In view of the same, the proceedings in STC Nos.41 of 2017 and 284 & 285 of 2016 pending on the file of Fast Track Court (Magisterial Level)-I, Nagercoil is withdrawn and transferred to the learned Judicial Magistrate, Padmanabhapuram. The learned Fast Track Court (Magisterial Level-I) is directed to immediately 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 is directed to renumber the same and dispose of the cases within a period of three(03) months thereafter.

7. Accordingly, these Criminal Original Petitions are disposed of with the above direction. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1) The Judicial Magistrate-I
(Fast Track Court),
Nagercoil.
- 2) The Judicial Magistrate,
Padmanabhapuram.
- 3) The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Common Order made in
Crl.O.P. (MD) .Nos.7518, 7522
& 7528 of 2017

Dated:20.09.2019

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MK (22.10.2019) 3P 4C