



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.09.2019

CORAM:

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

Crl.O.P. (MD) No. 9901 of 2017

and

Crl.M.P. (MD) .No.6752 of 2017

Mohan Iyar

... Petitioner/
Defacto Complainant

Vs.

T.Saraswathi

... Respondent/Petitioner

PRAYER: Petition filed under Section 482 of the Code of Criminal Procedure, to withdraw the case in C.C.No.232 of 2014, on the file of the Judicial Magistrate No.II, Nagercoil, Kanyakumari District and transfer the same to some other Court outside the Kanyakumari District.

For Petitioner : Mr.S.Ramasamy

For Respondent : No Appearance

O R D E R

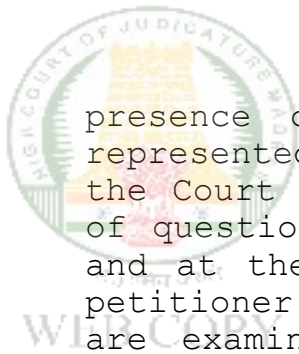
This Criminal Original Petition has been filed seeking to transfer of proceedings in C.C.No.232 of 2014, pending on the file of the Judicial Magistrate No.II, Nagercoil, Kanyakumari District.

2.The respondent has filed a private complaint against the petitioner and others. This transfer petition has been filed mainly on the ground that there is another private complaint, which has been filed against the petitioner by one of the Advocate practising at Nagercoil and a resolution has been passed, whereby, none of the Advocates in Nagercoil are willing to appear appear for the petitioner. It is further contended that the petitioner will not get a fair trial before the Court below.

3.Heard the learned counsel appearing for the petitioner.

4.It is seen from the records that apart from the petitioner there are other accused persons, who are facing the private complaint before the Court below. Therefore, the proceedings cannot be transferred only by taking into consideration the convenience of the petitioner and convenience of others must also be taken into consideration.

5.Taking into consideration the facts and circumstances of the case, this Court is not inclined to transfer the proceedings. The



presence of the petitioner is dispensed with and he shall be represented by a counsel. The petitioner shall be present before the Court below at the time of framing of the charges, at the time of questioning under Section 313 of the Code of Criminal Procedure and at the time of final judgment. The counsel representing the petitioner shall cross-examine the witnesses on the same day they are examined in chief and the petitioner shall not dispute the identity of the witnesses.

6.This Criminal Original Petition is disposed of with a direction to the learned Judicial Magistrate No.II, Nagercoil, Kanyakumari District to complete the proceedings in C.C.No.232 of 2014 within a period of three months from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

tsg

To

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

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

+1CC TO MR.S.RAMASAMY, Advocate Sr. No.90117

Cr1.O.P. (MD) No. 9901 of 2017

26.09.2019

KM(CO)

TR(18.10.2019) 2P 4C