

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2020

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

Cr1.O.P.No.17824 of 2015 &
M.P.No.1 of 2015

1.Thangavel
2.Vasanthi

..Petitioners/Accused

Vs

1.State by,
Sub Inspector of Police,
Thali Police Station,
Tiruppur District.

2.Rajendran ..Respondents/Complainant/
Defacto Complainant

Prayer: Criminal Original Petition filed under Section 407 of Cr.P.C, to transfer the case in C.C.No.207 of 2014, on the file of Judicial Magistrate No.1, Udumalai to the file of any other Judicial Magistrate Court.

For Petitioners : Mr.C.Veeraraghavan

For Respondents : Mr.Charles Prem
Government Advocate (Criminal side)
for R-1

No appearance for R-2
सत्यमेव जयते

ORDER

The first respondent-Police has registered a case against the petitioners, based on the complaint given by the second respondent. The said case was taken on file in C.C.No.207 of 2014 on the file of learned Judicial Magistrate No.I, Udumalpet. The petitioners have filed the present O.P to transfer C.C.No.207 of 2014 from the Court of Judicial Magistrate - I to any other Judicial Magistrate Court.

2. The learned counsel for the petitioners would submit that since the defacto complainant is a practicing Advocate in Udumalpet Magistrate Court, no counsel is ready to appear on behalf of the petitioners, therefore, they seek transfer of

case from the Court of Judicial Magistrate-I, Udumalpet to any other Judicial Magistrate Court in Tiruppur District.

3. The learned Government Advocate (Criminal Side) would submit that due to bifurcation of jurisdiction of the Court, case has already been transferred from the Court of Judicial Magistrate-I to the Court of Judicial Magistrate-II and the case is now pending on the file of the learned Judicial Magistrate-II, Udumalpet.

4. Heard the learned counsel on either side and perused the materials available on record.

5. Admittedly, the defacto complainant / second respondent has lodged a complaint against the petitioners, which was taken on file in C.C.No.207 of 2014, on the file of Judicial Magistrate No.1, Udumalpet. According to the petitioners, no counsel is ready to appear on behalf of the petitioners, since the defacto complainant is a practicing Advocate in Udumalpet and therefore, they seek transfer of case from the Court of Judicial Magistrate-I to any other Judicial Magistrate Court in Udumalpet. Due to bifurcation of Court, now, the case has been transferred from the learned Judicial Magistrate I to the learned Judicial Magistrate-II.

6. Since the petitioners sought to transfer the case in C.C.No.207 of 2014 from the Court of Judicial Magistrate-I, Udumalpet to any other other Judicial Magistrate Court in Tiruppur District, they can very well approach the learned Chief Judicial Magistrate, Tiruppur District under Section 410 of Cr.P.C., for transfer of case and need not come to file a petition before this Court, since they have not sought transfer of case from Tiruppur District to some other District.

7. In view of the above, this Criminal Original Petition is dismissed with liberty to the petitioners to file a transfer O.P before the learned Chief Judicial Magistrate, Tiruppur District within a period of twelve weeks from the date of receipt of a copy of this order and on such petition is being filed, the learned Chief Judicial Magistrate, Tiruppur District is directed consider the request and transfer the case in C.C.No.207 of 2014 to any other Judicial Magistrate Court in Tiruppur District. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

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Sub Assistant Registrar

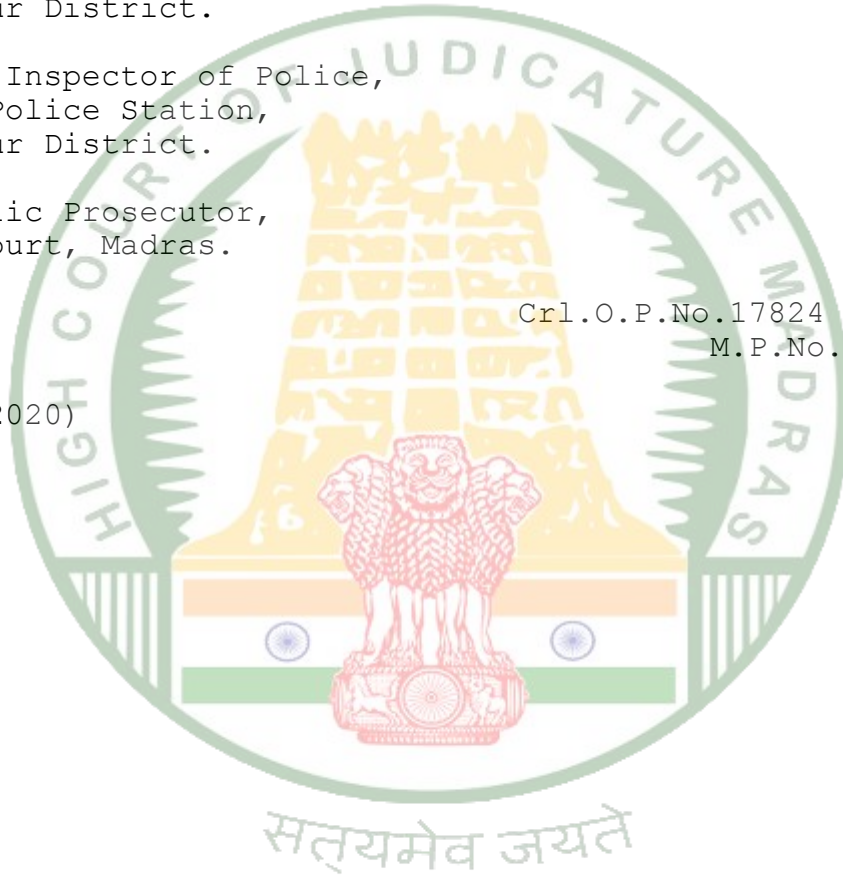
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To

- 1.The Judicial Magistrate No.I,
Udumalai.
- 2.The Judicial Magistrate No.II,
Udumalai.
- 3.The Chief Judicial Magistrate,
Tiruppur District.
- 4.The Sub Inspector of Police,
Thali Police Station,
Tiruppur District.
- 5.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.17824 of 2015 &
M.P.No.1 of 2015

NMI (CO)
CB(05/11/2020)



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