

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2020

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.2024 of 2020
and
CRL.M.P.No.1253 of 2020

1. M/s.Unicure India Pvt Ltd.,
C-22, Sector - 3,
Noida - 201301
Represented by its Director Cum Authorised Person
and Responsible Person
Thiru. Abdul Mateen, S/o. Late Haji Abdul Aziz
- 2.Abdul Mateen ...Accused 1 & 2/ Petitioners
- Vs.

The Tamil Nadu State represented by
P.Panneerselvam
Drugs Inspector,
Thiruvottiyur Range,
Office of the Asst.Director of
Drug Control, Thiruvallur Zone,
201, Jawaharlal Nehru Road,
Thiruvallur - 602 001. Complainant/Respondent

PRAYER: Criminal Original Petition filed under Section 407 of
Cr.P.C, to transfer the case in CC.No.62 of 2009 now pending
on the file of Chief Judicial Magistrate, Tiruvallur to any
other competent court in Chennai for a fair and impartial trial.

For Petitioners: Mr.R.Sivaraman

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to transfer
the case in CC.No.62 of 2009 now pending on the file of Chief
Judicial Magistrate, Tiruvallur to any other competent court in
Chennai for a fair and impartial trial.

2. The learned counsel for the petitioner would submit that on 23.10.2019 though PW2 was present, he has bound over for the hearing dated 06.11.2019 without any reason. Even then, the petitioner was directed to pay a sum of Rs.1000/- as witness Batta for not cross examining PW2. Further, he submitted that he filed 317 of Cr.P.C., petition. The matter was passed over for cross-examination of witnesses in chief. Therefore, if the trial continues before the Chief Judicial Magistrate, Tiruvallur, the petitioner will not get any fair and impartial trial. Therefore, he prays to transfer the case in CC.No.62 of 2009 on the file of Chief Judicial Magistrate, Tiruvallur to any other competent court in Chennai.

3. The learned Additional Public Prosecutor has submitted that now the Judicial Magistrate concerned was transferred and the post is vacant and the Secretary of the Legal Health Service Authority has been given full charge of the District Judicial Magistrate Court.

4. Heard Mr.R.Sivaraman, learned counsel for the petitioner and Mr.S.Karthikeyan, learned Additional Public Prosecutor appearing for the respondent.

5. The case of the petitioner/accused was registered in CC.No.62 of 2009 and the same has been taken cognizance for the offence under Sections 18 (a)(i) & 18B r/w.27(d) & 28-A of Drugs and Cosmetics Act.

6. On perusal of the record, it is seen that the petitioner also filed a quash petition before this court immediately after taking cognizance in C.C.No.62 of 2019 after a period of 10 years and it was dismissed. When the matter was taken for trial, the petitioner made the abovesaid allegation. However, now the learned Chief Judicial Magistrate has been transferred and other Officer is in full charge of the court concerned. Therefore, this Court is not inclined to grant the prayer sought by the petitioner.

7. In the result, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed. The trial court is directed to complete the trial within a period of six months from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1.The Chief Judicial Magistrate,
Tiruvallore.

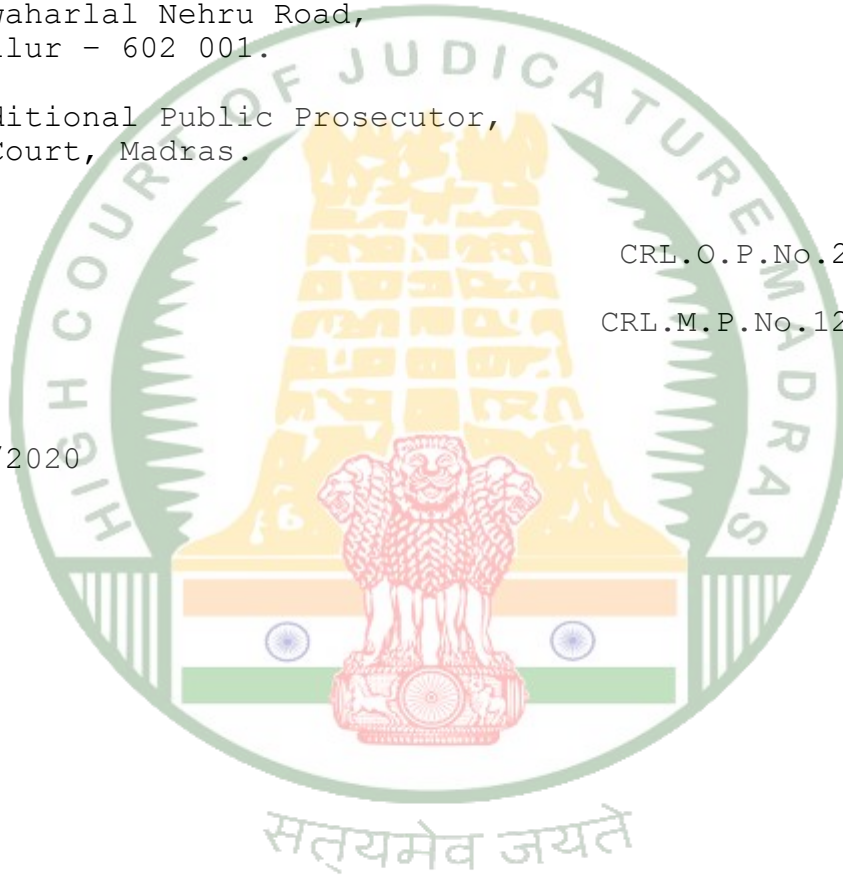
2.The Drugs Inspector,
Thiruvottiyur Range,
Office of the Asst.Director of
Drug Control, Thiruvallur Zone,
201, Jawaharlal Nehru Road,
Thiruvallur - 602 001.

3. The Additional Public Prosecutor,
High Court, Madras.

CRL.O.P.No.2024 of 2020
and

CRL.M.P.No.1253 of 2020

vs[co]
srg 24/09/2020



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