

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.13622 of 2017

and Crl.M.P.Nos.8783 & 8784 of 2017

D.Zakir Hussain ... Petitioner/Accused

Vs.

M.K.Thiyagarajan ... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to transfer the case in S.T.C.No.44 of 2016 pending on the file of the Judicial Magistrate (Fast Track Court), Hosur, Krishnagiri District to the Judicial Magistrate No.II, Coimbatore District.

For Petitioner : Mr.E.Kannadasan
For Respondent : Mr.V.Ragavachari

O R D E R

This petition has been filed seeking a direction to transfer the case in S.T.C.No.44 of 2016 from the file of the learned Judicial Magistrate (Fast Track Court) Hosur, Krishnagiri District to the file of the learned Judicial Magistrate-II, Coimbatore.

2. The only ground raised by the petitioner is that the petitioner is suffering from heart disease and he has also undergone open heart surgery and therefore, he could not able to appear before the trial Court on every hearing. Now, the complainant side evidence was closed and the matter was posted for questioning under Section 313 of Criminal Procedure Code. Therefore, the case cannot be transferred to some other Court. Hence, the prayer sought for in this petition cannot be considered.

3. However, considering the health condition of the petitioner, the personal appearance of the petitioner is dispensed with before the trial Court and he shall be represented by a counsel after filing appropriate application. The petitioner shall be present before the Court at the time of

furnishing of copies, framing charges, questioning under Section 313 Cr.P.C. and at the time of passing judgment. The trial Court is directed to complete the trial within a period of three months from the date of receipt of copy of this order.

4. Accordingly, the Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar(CS III)

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Sub Assistant Registrar

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To

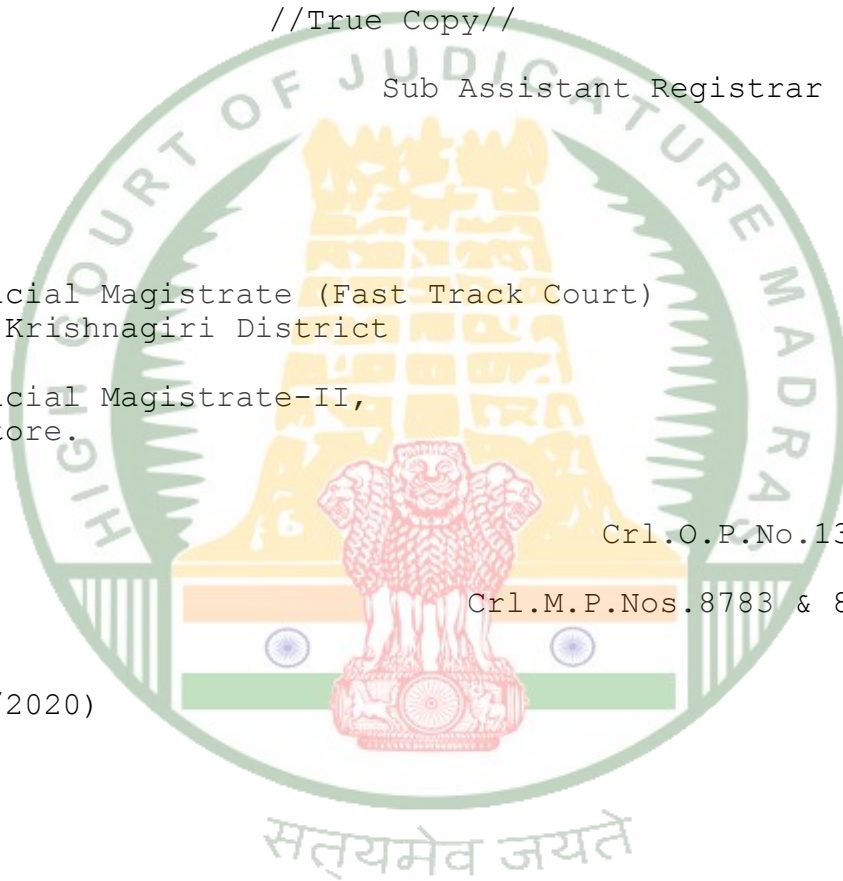
1.The Judicial Magistrate (Fast Track Court)
Hosur, Krishnagiri District

2.The Judicial Magistrate-II,
Coimbatore.

Crl.O.P.No.13622 of 2017
and

Crl.M.P.Nos.8783 & 8784 of 2017

MR (CO)
RMP (29/09/2020)



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