



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD)No.3956 of 2020

and

Crl.M.P. (MD)No.2180 of 2020

Viswanathan

... Petitioner

Vs

M.S.Balan

... Respondent

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to transfer the case in C.A.No.45 of 2019 on the file of the Fast Track Mahila Court (Sessions Judge), Dindigul, against S.T.C.No.708 of 2012 on the file of the Judicial Magistrate No.I, Dindigul to some other learned District and Sessions Judge, Madurai or any other competent Court.

For Petitioner : Mr.D.S.Harron Rasheed

ORDER

The petitioner herein seeks transfer of C.A.No.45 of 2019 from the file of the Fast Track Mahila Court (Sessions Court), Dindigul to some other Court.

2.The petitioner states that he was convicted in S.T.C.No.708 of 2012 on the file of the Judicial Magistrate No.1, Dindigul and questioning the same, he filed the aforesaid criminal appeal.

3.He paid 20% of the compensation amount. His grievance is that the Appellate Court insisted that he should pay a further sum of Rs.50,000/- per hearing to the complainant. His earlier counsel had withdrawn his appearance. The appellant was taking steps to engage a new counsel. But the Appellate Court, without giving him time, has closed the case and posted the matter for Judgment. According to him, the case is posted on 06.03.2020 for Judgment.

4.It is seen that the appellant's earlier counsel had withdrawn his appearance. But then, it was the duty of the petitioner herein to have engaged a new counsel. He cannot simply seek time on this ground. The Court below probably lost its



patience. But then, this being a criminal matter, the Court below could not straight away post the matter for Judgment. The petitioner has not engaged a new counsel. Legal Aid Counsel will have to be appointed. This is settled law.

5.The petitioner's counsel, on instructions, states that the petitioner will get along with the appeal on or before 09.04.2020. The Court below can give time to the petitioner till then. If the petitioner is still adopting delaying tactics, the Court below will appoint a Legal Aid Counsel and dispose of the matter on merits and in accordance with law.

6.With this direction, this criminal original petition is disposed of. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

The Fast Track Mahila Court (Sessions Judge), Dindigul.

+1 CC to M/s.D.HAROON RAHEED, Advocate (SR-9935[F] dated 03/03/2020)

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VR(CO)

TR(04.03.2020) 2P 3C