



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P (MD)No.4913 of 2020

and

Crl.M.P. (MD)No.2837 of 2020

WEB COPY

Balakrishnan

... Petitioner/Defacto
Complainant

Vs

1.State rep by

The Inspector of Police,
West Police Station,
Thanjavur Town & District.
(in Crime No.347 of 2018)

...Respondent/Complainant

2.Banumathi

3.Kanthamurugan

4.Sathiya

... Respondents/Accused 1 to 3

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to transfer C.C.No.92 of 2019 pending on the file of the Judicial Magistrate No.I, Thanjavur to any other Court nearby District.

For Petitioner : Mr.G.Karnan

For R1 : Mr.A.Robinson
Government Advocate (Crl.side)

ORDER

The petitioner is figuring as defacto complainant in C.C.No.92 of 2019 on the file of the Judicial Magistrate No.1, Thanjavur.

2.The petitioner wants transfer of the said case to some other Court. The petitioner appears to have send a complaint against the presiding officer to the High Court. The petitioner contends that on account of his sending a complaint, the presiding officer has become hostile. This may not be a ground for transfer.

3.I went through the contents of the complaint given by the petitioner. The petitioner is aggrieved by the non examination of the two persons. But these two persons are not figuring as list witnesses. The Court below cannot be faulted for non examination of



someone who is not figuring as witness. The complaint made by the petitioner against the presiding officer is unfounded. Having sent an unfounded complaint, the petitioner cannot now claim that because of such sending a complaint, he is likely to face adverse consequence.

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4. I am certain that the presiding officer will not bear any grudge against the petitioner herein, but will dispose of the matter on merits and in accordance with law.

5. With these observations, this criminal original petition stands dismissed. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmi

To

1. The Judicial Magistrate No.I, Thanjavur.

2. The Inspector of Police,
West Police Station,
Thanjavur Town & District.

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

+1 CC to M/s.G.KARNAN, Advocate (SR-12919[F] dated 23/03/2020)

CrI.O.P(MD)No.4913 of 2020
19.03.2020

AP(27/05/2020) 2P 5C