



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Criminal Original Jurisdiction

Wednesday, the Fourteenth day of October Two Thousand and Twenty

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL.OP. (MD)No.9988 of 2020 and CRL.OP (MD).No.10462 of 2020

Thangapandian ...Petitioner in CRL.OP(MD).9988 of 2020/Accused No.2
Kasi @ Suji ...Petitioner in CRL.OP(MD).10462 of 2020/Accused No.1

Vs

The Inspector of Police
CBCID- South Kanyakumari. (In Crime No.04 of 2020)
...Respondent/Complainant in both cases.

Common Prayer :-Criminal Original Petitions are filed under section 407 of CRPC praying to withdraw the case in C.C.No.316 of 2020 on the file of the learned Judicial Magistrate No. I, Nagercoil, Kanyakumari district at Nagercoil and to transfer the case to some other district which may be fixed by this Hon`ble Court

ORDER:- These Criminal Original Petitions are coming up for orders on this day and upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of Mr.Niranjana S.Kumar, Advocate for the Petitioner in CRL.OP(MD).No.9988 of 2020 and of Mr.M.Sakthi kumar, Advocate for the petitioner in CRL.OP(MD) No.10462 of 2020 and of Mr.A.Robinson, Government Advocate for respondent, in both Petitions, this Court made the following order:

A1 and A2 in C.C.No.316 of 2020 on the file of the Judicial Magistrate No.1, Kanyakumari at Nagercoil, filed Crl.O.P.(MD) Nos.9988 and 10462 of 2020 seeking transfer of the case from the Court of Judicial Magistrate No.1, Nagercoil to some other Court.

2.They had also taken out miscellaneous petition for interim stay of the trial proceedings. The matter was taken up by this Court on 08.10.2020. After recording the submissions of the learned counsel for the accused, I granted interim stay and directed the matters to be listed today i.e., 14.10.2020.

3.The learned counsel appearing for the petitioners made a specific request for issuance of the order copy. I told him to file a memo.



4. When the matter was taken up for hearing today, the petitioners' counsel informs the Court that after recording the memo, the learned trial Magistrate conducted the trial. A1 and A2 appeared through video conferencing facility. The learned counsel for A3 had cross examined one of the witnesses. The matter is posted on 16.10.2020.

5. The petitioners' counsel produced the e-diary extract also which indicates the recording of the memo filed by the petitioners' counsel for the accused.

6. Call this case on 15.10.2020. Registrar(Judicial) is directed to get explanation from the learned trial Magistrate. The attention of the learned port folio Judges to be drawn to this.

Sd/-

Assistant Registrar(P & A)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TO

1. The learned Judicial Magistrate No. I,
Nagercoil, Kanyakumari district at Nagercoil

2. The Inspector of Police, CBCID -South Kanyakumari.

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

Copy to:

1. The Registrar (Judicial)
Madurai Bench of Madras High Court, Madurai

2. The Section Officer, Criminal Section,
Madurai Bench of Madras High Court, Madurai

ORDER DATED : 14/10/2020

HEARING DATE : 15/10/2020

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ORDER

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CRL OP(MD). No.9988 of 2020
and CRL.OP.(MD)No.10462 of 2020

Giving directions and etc.
as stated within.

MR (CO)