



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2020

CORAM:

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THE HONOURABLE **MR. JUSTICE A.D.JAGADISH CHANDIRA**

Crl.O.P.(MD).No.19064 of 2020

and

Crl.M.P.(MD) No.11186 of 2019

Yogapriya

..Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by, The Inspector of Police,
All Women Police Station,
Cantonment,
Trichy District.

2.Dav Anand

..Respondents

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to withdraw the case in C.C.No.160 of 2018 on the file of the learned Judicial Magistrate, Additional Mahila Court, Tiruchirappalli and transfer the same to the any other competent Court in some other district.

For Petitioner : Mr.C.K.M.Appaji

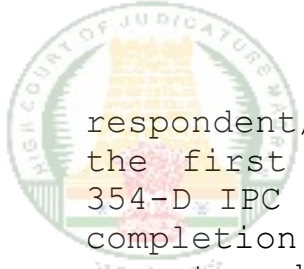
For 1stRespondent : Mrs.S.Bharathi,
Government Advocate (Crl. Side)

For 2nd Respondent : Mr.G.Balamahendran
for M/S.R.Yamuna

O R D E R

This petition has been filed to withdraw the case in C.C.No.160 of 2018 on the file of the learned Judicial Magistrate, Additional Mahila Court, Tiruchirappalli and transfer the same to any other competent Court in some other district.

2.The learned counsel appearing for the petitioner would submit that the petitioner is the wife of the second respondent and on the complaint given by her against the second



respondent/husband, a case in Crime No.4 of 2018 was registered by the first respondent for the offence under Sections 498(a) and 354-D IPC and 67 of the Information Technology Act, 2000. After completion of investigation, the respondent has filed a final report and the same has been taken on file in C.C.No.160 of 2018 and the trial is going on. He would further submit that there are 7 witnesses in this case to prove the guilt of the second respondent and 4 witnesses have been examined till date. He would further submit that the presiding officer of the Court had insisted the petitioner to amicably settle the matter with her husband/second respondent. He would further submit that if the trial in C.C.No.160 of 2018 is to be continued before the same judge, the trial would not be fair and thereby the present petition has been filed seeking for transfer of the case from the Court of the Judicial Magistrate, Additional Mahila Court, Tiruchirappalli to some other Court.

3.The learned counsel appearing for the second respondent would submit that the petitioner filed this petition with a motive to harassing the second respondent. He would further submit that though another case is pending before the same judge, the petitioner has filed the petition seeking to transfer and this case only for the purpose of harassing the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the first respondent would submit that totally there are 7 witnesses in this case and out of which 4 witnesses have been examined so far. She would further submit that now the case has been posted for cross examination of P.W.1 to 3.

5.Taking into consideration the facts and circumstances of the case and in order to ensure fair trial to the petitioner, this Court is of the view that the proceedings will have to be transferred to some other Court. Therefore, the proceedings in C.C.No.160 of 2018 pending on the file of the learned Judicial Magistrate, Additional Mahila Court, Tiruchirappalli is withdrawn and transferred to the file of learned Judicial Magistrate No.2, Tiruchirappalli. The learned Judicial Magistrate, Additional Mahila Court, Tiruchirappalli shall send the entire case records within a period of two(02) weeks from the date of receipt of a copy of this order to the learned Judicial Magistrate No.2, Tiruchirappalli. The parties are directed to appear before the Judicial Magistrate No.2, Tiruchirappalli on 14.02.2020. The learned Judicial Magistrate No.2, Tiruchirappalli shall immediately on receipt of the case records shall proceed further in accordance with law and complete the proceedings within a period of three months from 14.02.2020.



6. Accordingly, the Criminal Original Petition is disposed of with the above directions. Consequently, connected miscellaneous petition is closed.

Sd/-

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Assistant Registrar

// True Copy //

/ /2020
Sub Assistant Registrar (CS)

vsg

To:

1. The Judicial Magistrate,
Additional Mahila Court,
Tiruchirappalli.
2. The Judicial Magistrate No.2,
Tiruchirappalli.
3. The Inspector of Police,
All Women Police Station,
Cantonment,
Trichy District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.C.K.M.APPAJI, Advocate (SR-2610[F] dated 23/01/2020)

Cr1.O.P. (MD) .No.19064 of 2019
and
Cr1.M.P. (MD) No.11186 of 2019
23.01.2020

KG (CO)
TR(10.02.2020) 3P 6C