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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.Nos.7653 of 2021 and
Crl.M.P.No.5083 & 5084 of 2021

1. P. Malarkodi
2. B. Padmanaban
3. B. Loganathan
4. A. Sampathkumar

...Petitioners

Vs.

State Represented by
The Inspector of Police,
T.10, Thirumullaivoial Police Station,
Chennai - 600 062.

...Respondent

The Criminal Original Petition filed under Section 397 read with 482 of Code of Criminal Procedure seeking to transfer the case in C.C.No.16 of 2014 on the file of the Judicial Magistrate Court, Ambattur, to the V Metropolitan Magistrate, Chennai, to secure the ends of justice.

For Petitioners : Mr.R.Sankarasubbu

For Respondent : Mr.S.Sugendran
Govt. Advocate (Crl.Side)

ORDER

This criminal original petition has been filed seeking to transfer the case in C.C.No.16 of 2014 on the file of the learned Judicial Magistrate, Ambattur, to the learned V Metropolitan Magistrate, Chennai,

2. The petitioners are accused A1 to A4 and facing trial in C.C.No.16 of 2014.

3. It is stated by the learned counsel for the petitioners that despite, the order of stay granted by this Court on 04.03.2020, the learned Judicial Magistrate, Ambattur, has



issued Non Bailable Warrant against the petitioners, and hence the petitioners apprehends that they would not get justice from the Magistrate. Hence, the petitioners seek to transfer the case in C.C.No.16 of 2014 to any other Court.

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4. Heard the learned counsel appearing on either side and perused the materials available on record.

5. It is seen that in the revision filed by the petitioners against the order of dismissal of discharge petition, this Court on 04.03.2020 has granted order of stay till 31.03.2020. Despite, the stay granted by this Court, the learned Judicial Magistrate, Ambattur, issued Non Bailable Warrant, which was recalled later. Hence the petitioner apprehends that they could not secure justice from the Magistrate. This Court is in agreement with the submission made by the learned counsel for the petitioners, since their apprehension is reasonable.

6. Accordingly, the case in C.C.No.16 of 2014 pending on the file of the learned Judicial Magistrate, Ambattur, is hereby transferred to the file of the Judicial Magistrate No.II, Poonmallee. The learned Judicial Magistrate, Ambattur, is directed to send all the papers in connection with the case in C.C.No.16 of 2014 to the learned Judicial Magistrate No.II, Poonamallee, immediately without any further delay. On receipt of the same, the learned Judicial Magistrate No.II, Poonamallee, is directed to dispose of the case within a period of six months from the date of receiving the papers on his file. Both the counsel and the parties are directed to extend their fullest cooperation for early disposal of the case as directed above.

7. With the above directions, this criminal original petition is disposed of. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate Court,
Ambattur.



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2. The Judicial Magistrate No.II,
Poonmallae.
3. The Inspector of Police,
T-10, Thirumullaivoial Police Station,
Chennai - 62.
4. The Public Prosecutor,
High Court,
Chennai - 104.

Crl.O.P.No.7653 of 2021 and
Crl.M.P.Nos.5083 & 5084 of 2021

RGN(CO)
RLP(02/09/2021)