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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2021

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

CRL. O.P. NO.28532 OF 2017

Ms. G. Sasikala

...Petitioner

Vs.

1. The State,
Rep. By the Sub-Inspector of Police,
Central Crime Branch,
St. Thomas Mount, Chennai - 600 016.

2. Natarajan,
3. Meenakshi,
4. Vasantha

... Respondents

PRAYER:Criminal Original Petition filed under Section 482 Cr.P.C., to transfer the proceedings bearing CC No.84 of 2007 pending on the file of the Judicial Magistrate-I, Poonamallee to any other Judicial Magistrate, Thiruvallur District.

For Petitioner : Ms.Lakshmin
(For L. Dhamodaran)

For Respondent-1 : Mr. E. Raj Thilak,
(Counsel for Govt. of Tamilnadu)

For Respondents-2-4 : No Appearance

O R D E R

This Criminal Original Petition has been filed seeking to transfer the proceedings bearing CC No.84 of 2007 pending on the file of the Judicial Magistrate-I, Poonamallee to any other Judicial Magistrate, Thiruvallur District.



2. The case of the prosecution is that the mother of the petitioner lodged a complaint against the respondents 2 to 4 before the 1st respondent police herein alleging that the respondents 2 and 3 have cheated her. After investigation, Criminal case was registered against the respondents 2- 4 for the offence committed under Sections 420, 506/2 r/w Section 34 of IPC on the file of the District Judicial Magistrate-I, Poonamallee. During the Trial, the presiding officer has made comments on the witnesses ie. P.W.1 and P.W.2- the petitioner herein and the evidence of P.W.2 was recorded wrongly. Hence, the petitioner has sought for transfer the case to any other Judicial Magistrate, Thiruvallur.

3. The learned counsel for the petitioner would submit that in said proceeding Tmt. Geetha was examined as P.W.1 and the petitioner herein has been examined as P.W.2. From the day one of the trial, the Presiding Officer of the Trial Court has made comments upon the witnesses P.W.1 and P.W.2 and further the evidence adduced by the P.W.2 was recorded wrongly. When P.W.2 at the time of signing the deposition took note of the above and brought to the notice of the Trial Court. However, the Trial Court refused to correct the same and insisted the P.W.2/petitioner herein to sign the same. The petitioner was specific that the answer given by her was wrongly typed and recorded in the deposition. The apprehension of the petitioner is that the Presiding Officer may not adopt a fair approach in disposing of the Criminal case. Hence, the petitioner has filed the present Criminal Original Petition to transfer the case to any other Judicial Magistrate, Thiruvallur in order to meet the ends of justice.

4. The learned Government Advocate (Crl. Side) would submit that erstwhile Presiding Officer who conducted the Trial on whom the petitioner has made adverse remarks, has been transferred to other Court in the place of which new Presiding Officer has been appointed. Hence, nothing survives in this petition for further adjudication with regard to transfer the case.

5. In view of the aforesaid submission made by the learned Government Advocate (Crl. Side), the prayer of the petitioner becomes infructuous since new Presiding Officer has been appointed in place of erstwhile Presiding Officer. Further, this Court by its order dated 20.12.2017 and 22.01.2018 passed orders of interim stay of all further proceedings in C.C. No.84 of 2007 on the file of the learned Judicial Magistrate No.I, Poonamallee.

6. Hence, the parties are directed to co-operate with the Trial proceedings and complete the same without taking



unnecessary adjournments.

7. In the result, the Criminal Original Petition stands dismissed as infructuous. Consequently, connected miscellaneous petition is closed if any.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

lbm

To:

1. The State,
Rep. By the Sub-Inspector of Police,
Central Crime Branch,
St. Thomas Mount, Chennai - 600 016.
2. The Judicial Magistrate-I, Poonamallee
3. The Public Prosecutor,
High Court of Madras,
Chennai.

+1cc to Mr.L.Dhamodaran, Advocate, S.R.No.38501

Cr1. O.P. No.28532 of 2017

SR(CO)
PM/16/09/2021