



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.03.2021

CORAM :

THE HONOURABLE Mrs. JUSTICE R. HEMALATHA

Crl.O.P. (MD)No.1852 of 2021

C.T.Sivakumari

... Petitioner/Accused No 5
Vs.

1.The Inspector of Police,
Pudukadai Police Station,
Kanyakumari District.
Crime No.267 of 2019

...Respondent/Complainant

2.N.Sathish Kumar

...2nd Respondent/Defacto Complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to transfer S.T.C.No.417 of 2020 on the file of the Judicial Magistrate No.II, Kuzhithurai, Kanyakumari District, to the Judicial Magistrate, Valliyoor, Thirunelveli District.

For Petitioner : Mr.G.Sundaram

For 1st Respondent : Mr.A.Robinson

Government Advocate (Criminal Side)

ORDER

The main grievance of the petitioner is that since a complaint is lodged against one of the Members of Nagercoil Bar Association, no Advocate from Nagercoil appeared in the case and therefore, sought for transfer of STC No.417 of 2020, on the file of the Judicial Magistrate No.II, Kuzhithurai, Kanyakumari District, to the file of the judicial Magistrate, Valliyoor, Thirunelveli District.

2.The learned counsel for the petitioner contended that whenever a complaint case is filed against a counsel of the Bar, none of the Members of the Nagercoil Bar Association, appear and therefore, the case should be transferred.

3.This contention has not been substantiated by evidence. However, the petitioner's apprehension is that she could not conduct the case in Kanyakumari District, without having the assistance of an Advocate.

4.Considering the above facts and circumstances, S.T.C.No.417 of 2020 is withdrawn from the file of the Judicial Magistrate No.II, Kuzhithurai, Kanyakumari District, and transferred to the file of the Judicial Magistrate, Valliyoor, Thirunelveli District.



5. With the above observation, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (W)

// True Copy //

WEB COPY

/ /2021

Sub Assistant Registrar(CS)

Note In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned

To

- 1.The Inspector of Police,
Pudukadai Police Station,
Kanyakumari District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to

- 1.The Principal District Judge,
Kanyakumari District.
- 2.The Principal District Judge,
Thirunelveli District.
- 3.The Judicial Magistrate No.II,
Kuzhithurai, Kanyakumari District
- 4.The Judicial Magistrate,
Valliyoore,
Thirunelveli District.

+1 CC to M/s.G.SUNDARAM, Advocate (SR-11397[F] dated 16/03/2021)

CrI.O.P. (MD)No.1852 of 2021
16.03.2021

MJ(CO)
KB(08.04.2021) 2P 8C