



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 08.12.2021

CORAM

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THE HONOURABLE **MR.JUSTICE K.MURALI SHANKAR**

CrI.O.P. (MD)No.4615 of 2019

and

CrI.M.P. (MD)No.3249 of 2019

G.Vijayakumar

... Petitioner

Vs.

1.The State Rep.by
The Inspector of Police,
Arumanai Police Station,
Kanyakumari District.
(Crime No.160 of 2018)

2.Justin Rhylas

... Respondents

Prayer : Criminal Original Petition filed under Section 482 Cr.P.C., to transfer the case in STC.No.60 of 2019 on the file of the Judicial Magistrate No.I, Kuzhithurai to Judicial Magistrate, Valliyoor or any other competent Court outside Kanyakumari District.

For Petitioner : Mr.L.Jeen Felix

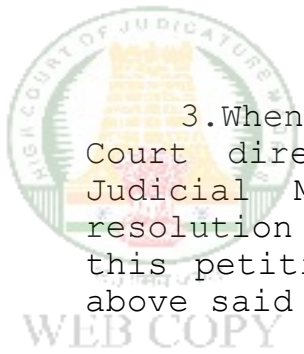
For R1 : Mr.Thanga Aravindh,
Government Advocate(CrI.side)

For R2 : Mr.K.P.Narayana Kumar

ORDER

The petitioner, who is the third accused in STC.No.60 of 2019 on the file of the learned Judicial Magistrate No.I, Kuzhithurai, has filed the present petition seeking transfer of the above said case from the file of the learned Judicial Magistrate No.I, Kuzhithurai to the file of the learned Judicial Magistrate, Valliyoor or any other competent Court outside Kanyakumari District.

2.The learned counsel appearing for the petitioner would submit that the defacto complainant in this case is the practising Advocate before the Judicial Magistrate No.I, Kuzhithurai and due to the resolution passed by the Bar Association, the petitioner was not able to engage an Advocate, that no one was prepared to appear on his behalf and that therefore, the petitioner is not in a position to conduct the case with proper instructions.



3. When the matter was taken up for hearing on 22.11.2021, this Court directed the Registry to get a report from the learned Judicial Magistrate No.I, Kuzhithurai as to whether any such resolution has been passed or whether any Advocate is appearing for this petitioner and with respect to the stage of the trial in the above said case.

4. The learned Judicial Magistrate No.I, Kuzhithurai has submitted a letter, dated 06.12.2021 wherein she has stated that on enquiry with the President and Secretary of the Bar Association, there was no such resolution passed by the Bar Association, that the case is pending for service of summons to the accused Nos.1 to 3 and that no Advocate is appearing on behalf of the petitioner, till now.

5. The learned counsel appearing for the second respondent would submit that the second respondent has not indulged in restricting or preventing the petitioner from engaging the Advocate or proceeding with the case before the concerned Court.

6. At this juncture, the learned counsel appearing for the petitioner would submit that it would suffice if a direction is issued to the learned Judicial Magistrate No.I, Kuzhithurai to dispose of the case, within a time frame fixed by this Court.

7. Considering the submission made on behalf of both sides and without going into the merits of the case, this Court directs the petitioner/3rd accused to enter into appearance on the next hearing date and directs the learned Judicial Magistrate No.I, Kuzhithurai to take necessary steps to serve summons on the remaining accused and after appearance of all the accused, shall proceed with the case and dispose of the case, as expeditiously as possible, preferably, within a period of four months thereafter.

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

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

gns

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



To

1.The Judicial Magistrate No.I,
Kuzhithurai.

2.The Inspector of Police,
Arumanai Police Station,
Kanyakumari District.

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

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-37870[F] dated
09/12/2021)

CrI.O.P. (MD)No.4615 of 2019
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MGJ(20.12.2021) 3P 5C