



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P. (MD)No.502 of 2019

and

Crl.M.P. (MD)No.245 of 2019

R.Adithan

... Petitioner/Defacto Complainant

vs.

1.The State represented by
The Inspector of Police,
Manvalankurichy Police Station,
Kanyakumari District.
(Crime No.97 of 2003)

... 1st Respondent/Complainant

2.Chellam Nadar

3.Hari Gopal

4.Mohanraj

5.Balamonohar

... Respondents 2 to 5/
Accused 1 to 4

PRAYER : Criminal Original Petition filed under Section 407 Cr.P.C, to withdraw the Calendar case in C.C.No.128 of 2004 from the file of the learned Judicial Magistrate, Eraniel and transfer the same to the file of the learned Judicial Magistrate, Valliyoor or any other competent Court in the nearby District to try the same.

For Petitioner : Mr.Niranjana.S.Kumar

For Respondents : Mr.R.Sivakumar
Government Advocate (Crl. Side) for R1
No appearance for R2 to R5

O R D E R

This criminal original petition has been filed seeking orders to withdraw the case in C.C.No.128 of 2004 from the file of the learned Judicial Magistrate, Eraniel and transfer the case to the file of the learned Judicial Magistrate, Valliyoor or any other competent Court in the nearby District.

2.When the matter was taken up for hearing on 01.12.2021, on considering the submission made by the learned Additional Public Prosecutor that the matter was already transferred from the file of the learned Judicial Magistrate, Eraniel to the file of the learned



Judicial Magistrate, Valliyoor and the case is pending in C.C.No.361 of 2021 and that seven witnesses have already been examined, this Court has directed the Registry to call for a report from the learned Judicial Magistrate, Eraniel as to how the case has been transferred to the file of the learned Judicial Magistrate, Valliyoor and also call for a report from the learned Judicial Magistrate, Valliyoor with regard to the stage of the present case.

3.In pursuance of the same, the learned Judicial Magistrate, Valliyoor has submitted a report on 20.12.2021 stating that the case was transferred from the learned Judicial Magistrate, Eraniel as per the order of this Court in ROC No.72004/2016/G4 dated 28.06.2019 and the case was taken on file in C.C.No.361 of 2021 dated 11.03.2021. He has further stated that the case is pending for issuance of summons to P.W.8 and the case is posted to 06.01.2022.

4.When the matter is taken up for hearing today, the learned counsel for the petitioner would submit that since the case was already transferred to the learned Judicial Magistrate, Valliyoor, a direction may be issued to the learned Judicial Magistrate, Valliyoor to dispose of the case within a time, fixed by this Court.

5.Considering the submissions made by the learned counsel for the petitioner as well as the learned Government Advocate (Criminal Side) and also taking note of the fact that the case was already transferred and now is pending before the learned Judicial Magistrate, Valliyoor and that eight witnesses have already been examined, without expressing any view with regard to the merits of the case, the learned Judicial Magistrate, Valliyoor is directed to complete the trial and dispose of the case as expeditiously as possible preferably within a period of two months from the date of receipt of a copy of this order.

6.With the above direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

csm

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.

<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The Judicial Magistrate,
Eraniel.

2.The Judicial Magistrate,
Valliyoor

3.The Inspector of Police,
Manvalankurichy Police Station,
Kanyakumari District.

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

+1 CC to M/s.NIRANJAN S KUMAR, Advocate (SR-39921[F] dated
22/12/2021)

Crl.O.P. (MD) No.502 of 2019

and

Crl.M.P. (MD) No.245 of 2019

21.12.2021

MGJ(31.12.2021) 3P 6C