



Crl.O.P.No.9173 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2022

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.OP.No.9173 of 2022

and

Crl.MP.No.5318 of 2022

A.Dhanasekaran

...Petitioner

/vs/

R.Saravanakumar

... Respondent

Prayer : The Criminal Original Petition has been filed under Section 482 of Cr.P.C to withdraw the C.C.No.101 of 2015 on the file of the Judicial Magistrate Court No.1, Dharmapuri and to transfer the same to the Judicial Magistrate Court, Harur.

For Petitioner

... Mr.N.Vijayabaskar

For Respondent

... Mr.R.Jayaprakash

ORDER

This Criminal Original Petition has been filed to withdraw the C.C.No.101 of 2015 on the file of the Judicial Magistrate Court No.1, Dharmapuri and to transfer the same to the Judicial Magistrate Court, Harur.



2. When the matter is taken up for hearing, the learned counsel for the respondent has submitted that this court in Crl.O.P.No.23872 of 2015 by its order dated 23.06.2021 directed the Judicial Magistrate No.I, Dharmapuri, to dispose of the case in C.C.No.101 of 2015 along with the other cases within a period of six months.

3. On perusal of the records, it is seen that the petitioner, is an accused in C.C.No.101 of 2015 on the file of the Judicial Magistrate No.I, Dharmapuri, now seeks transfer from Dharmapuri to Harur on the ground that HMOP.No.95 of 2015 filed by the wife is pending in Sub-Court, Harur and also the petitioner being the father-in-law and aged about 70 years, is unable to attend the case at Dharmapuri. The records further reveals that already in the original petition, further direction is given to the Judicial Magistrate No.I, Dharmapuri, to dispose of the case along with other Crime No.33 of 2012, within a period of six months. In such circumstances, the Judicial Magistrate No.I, Dharmapuri, is directed to comply the order passed in Crl.O.P.No.23872 of 2015.



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4. Considering the nature of the case and age of the petitioner, being 70 years of old, his personal appearance before the trial court is hereby dispensed with, on condition that he shall appear before the trial court for further proceedings whenever required by the trial court. Since this court has directed to complete the case within a period of six months, I find no merit in seeking transfer of this petition from Dharmapuri to Harur. Hence, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petition is closed.

5. The learned counsel for the petitioner also seeks to dispense with the personal appearance of the other petitioners/accused in the same case, namely, Vidya, Jothi, Rajagopal, Dhanasekaran, Sakunthala and Umarani. Accordingly, the personal appearance of the abovestated petitioners are dispensed with before the trial court on condition that they shall appear before the trial court for further proceedings and comply with the earlier order.

Index : Yes/No

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Internet : Yes/No

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V.SIVAGNANAM ,J.

gv

To

1.The Judicial Magistrate Court No.1,
Dharmapuri .

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