



IN THE HIGHCOURT OF JUDICATURE AT MADRAS
DATED:22.02.2022

CORAM:

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.6947 of 2017
and
Crl.M.P.No.5051 of 2017

S.P.Srinivasan

... Petitioner

Vs.

1.The Inspector of Police
Anti-Land Grabbing Special Cell
District Crime Branch
Kanchipuram.

2.Bhavika Jain
3.Mohankumar

... Respondents

Prayer:Criminal Original Petition filed under Section 407 Cr.P.C., to withdraw the CC.No.136 of 2015 on the file of the Judicial Magistrate No.II, Chegalpattu and transfer the same to any Judicial Magistrate having equal jurisdiction at Erode District.

For Petitioner	: Mr.Suresh
For Respondents	: Mr.R.Kishore Kumar for R1 Government Advocate (Crl.Side) Ms.A.S.Neela Narayani for R2

ORDER

This petition has been filed to withdraw the CC.No.136 of 2015 on the file of the Judicial Magistrate No.II, Chegalpattu and transfer the same to any Judicial Magistrate having equal jurisdiction at Erode District.

2. This petition has been filed seeking transfer of trial in C.C.No.136 of 2015 from the file of the Judicial Magistrate No.II, Chengalpattu to some other Competent Court, Erode District, since he ails from Erode and further the Judicial Magistrate and the Additional Public Prosecutor are pressurizing the petitioner to depose in a particular manner and hence he also refused to sign the evidence paper. Further the accused herein had signed and had made allegation as though the petitioner had brought 10 goondas along with him and involved in a case, for which a legal notice has been issued and reply



notice has been issued and summoned when the petitioner was not comfortable with a trial. He would not get the justice if the trial Court continued before the Judicial Magistrate No.II, Chengalpattu.

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3. The learned Additional Public Prosecutor submits that in this case, earlier the accused had filed a quash application and the same was dismissed by this Court in O.P.No.4492 of 2017 on 07.12.2021. On that day the petitioner had agreed to withdraw this petition, for some reason the same has not been done. He further submits that the Presiding Officer/Judicial Magistrate, is now transferred and a new Presiding Officer had been posted. In view of the same, the apprehension of the petitioner no longer exists. He submits that there is no cause of action and the witnesses are hailing from Chengalpattu and Chennai. In view of the same, the transfer of the trial Court would be a great difficulty for the witnesses and the others and sought dismissal of the above petition.

4. The learned counsel for the respondents 2 and 3 submitted that there was no reason available for the petitioner and only to keep the case pending and drag on the proceedings, he is filing one petition or other.

5. Finding that now the Judicial Officer present in the year 2017 against whom the petitioner had some grievances is transferred, this Court is not inclined to entertain this petition. Hence, this Criminal Original Petition is dismissed. The trial Court is directed to give priority and to conclude the trial preferably within a period of six months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

rgm/dna

To

1.The Judicial Magistrate No.II, Chegalpattu.

2.The Inspector of Police

Anti-Land Grabbing Special Cell

District Crime Branch,Kanchipuram.

3.The Public Prosecutor,High Court Madras.

+1 cc to Ms.A.S.Neela Narayani, Advocate Sr.NO. 12415

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PMK(CO)

A.SK(28/03/2022)