



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2022

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.1813 of 2022
and
Crl.M.P. (MD)No.1325 of 2022

1.S.Renjith Singh
2.S.Emil Jebasingh
3.Ben Clinton
4.M.Johnson

... Petitioners

Vs.

State rep. by
The Inspector of Police,
Puthukadai Police Station,
Kanyakumari District.
(In Crime No.71 of 2021)

... Respondent

Prayer: This Criminal Original Petition is filed under Section 407 of Cr.P.C., to withdraw the case in C.C.No.185 of 2021 on the file of the Judicial Magistrate No.II, Kuzhithurai, Kanyakumari District and transfer to the Judicial Magistrate, Valliyoor, Tirunelveli District.

For Petitioners : Mr.C.Mayilvahana Rajendran
For Respondent : Mr.M.Sakthi Kumar,
Govt. Advocate (Crl. Side).

O R D E R

Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) for the respondent.

2.The petitioners are facing trial in C.C.No.185 of 2021 on the file of the learned Judicial Magistrate No.II, Kuzhithurai, Kanyakumari District. The defacto complainant in this case is an advocate. Therefore, the local bar has passed a resolution that no one shall appear for the petitioners herein. It appears that the petitioners are having some difficulty in engaging counsel as a result. The learned counsel for the petitioners pointed out that even while granting anticipatory bail vide order dated 23.02.2021 in Crl.O.P.(MD)No.2799 of 2021, this Court had permitted the petitioners to execute sureties at Judicial Magistrate, Valliyoor.



3.By effecting transfer, the defacto complainant is not going to put any prejudice. After all it is a police case and he has to appear on one occasion for cross examination. The petitioners give an undertaking through their counsel that as and when, the defacto complainant appears to tender evidence, his cross examination will be conducted on the same day and that they will not adopt any dragging on tactics.

4.Recording the said undertaking, C.C.No.185 of 2021 is transferred from the file of the Judicial Magistrate No.II, Kuzhithuri, Kanyakumari District to the file of Judicial Magistrate, Valliyoor, Tirunelveli District. This criminal original petition is allowed accordingly. The Registry is directed to mark a copy of this order to the learned Judicial Magistrate, Valliyoor, Tirunelveli District. Consequently, connected miscellaneous petition is closed.

Sd/-

Deputy Registrar(LA & MC)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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 Judicial Magistrate No.II,
Kuzhithurai,
Kanyakumari District.
- 2.The Inspector of Police,
Puthukadai Police Station,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



Copy to:

The Judicial Magistrate,
Valliyoor,
Tirunelveli District.

CrI.O.P (MD) No.1813 of 2022
01.02.2022

TR (04.03.2022) 3P 5C