



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2022

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.(MD) No.5656 of 2022

WEB COPY

Vinoth

...Petitioner

Vs.

1.The Inspector of Police,
Kaliakavilai Police Station,
Kanyakumari District.

2.Bakthavatsalam

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to pass an order to withdraw the CC No.228/2018 from the Learned Judicial Magistrate No.I, Kuzhithurai and to transfer the same to the Learned Judicial Magistrate, Valliyur.

For Petitioner : Mr.V.Sasikumar
For Respondents : Mr.R.M.Anbunithi
No.1 Additional Public Prosecutor

ORDER

This petition has been filed seeking direction to withdraw the CC No.228/2018 from the Learned Judicial Magistrate No.I, Kuzhithurai and to transfer the same to the Learned Judicial Magistrate, Valliyur.

2. It is seen that the crime is of the year 2009 registered for the offences under Sections 147,148,294(b),342,323,324 and 506(ii) of IPC. There are totally three accused in this case and the petitioner herein is arrayed as A3. The first respondent police after completing the investigation has filed final report before the concerned Court and the same has been taken cognizance in CC No.253 of 2010 on the file of the learned Judicial Magistrate, Kuzhithurai. the petitioner has not appeared before the Court and as such the trial Court could not complete the trial. Thereafter the case was split up as against the petitioner and re-numbered as CC No. 226 of 2018 . Now the petitioner has come forward with the present petition for transfer of case from the file of the learned Judicial Magistrate No.I, Kuzhithurai to the file of the learned Judicial Magistrate, Valliyur on the ground that the second respondent is a practising advocate.

3.As stated supra, the case is pending from the year 2010 and thereafter split up in the year 2018. Even thereafter the petitioner prolonged the trial and it is pending for the past four years, therefore the present case is nothing but clear abuse of



process of law and only to drag the proceedings, the present petition has been filed for transfer.

4. Hence the Criminal Original Petition stands dismissed as devoid of merits. However the trial Court is directed to complete the trial proceedings within a period of three months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1.The Judicial Magistrate No.I,
Kuzhithurai.

2.The Judicial Magistrate,
Valliyur.

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

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

+1 CC to M/s.V.SASI KUMAR, Advocate (SR-15237[F] dated 30/03/2022)
Crl.O.P.(MD) No.5656 of 2022
28.03.2022

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