



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.01.2022**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGOVA**

Crl.O.P. (MD) No.15913 of 2020

and Crl.M.P. (MD) .No.7834 of 2020

WEB COPY

R.Chandrasekaran

.. Petitioner/Sole Accused

Vs.

1.State rep. by

The Sub-Inspector of Police,
Pasupathipalayam Police Station,
Karur District.

.. 1st Respondent/Complainant

2.Ramesh

.. 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to transfer the case in C.C.No.145 of 2014 from the Judicial Magistrate No.I, Karur to Judicial Magistrate, Trichy or some other District.

For Petitioner : Mr.P.Muthusamy

For Respondent : Mr.S.Manikandan
Government Advocate (Crl.Side)

ORDER

This petition has been filed seeking order to transfer the case in C.C.No.145 of 2014 from the file of the learned Judicial Magistrate No.I, Karur to the file of the learned Judicial Magistrate, Trichy or some other District.

2.The petitioner is facing charges under Sections 294(b), 323, 506(ii) IPC. The second respondent who is the defacto complainant herein, is the practising Advocate in Karur. He in his complaint stated that on 22.11.2013 at about 11.15 a.m. when he was standing near the Bar Association, Karur, the petitioner abused him in filthy language and assaulted and criminally intimidated him. Based on the above said complaint, a case has been registered and charge sheet has been filed by the respondent police before the concerned Court and the same has been taken cognizance in C.C.No.145 of 2014 by the learned Judicial Magistrate No.I, Karur. The grievance of the petitioner is that the Bar Association, Karur, has passed resolution asking their Association members not to appear on behalf of the petitioner. On that ground the transfer of trial is sought for.



3.Even though notice has been ordered and served on the second respondent, none appears on behalf of him.

4.The learned Government Advocate (Crl. Side) submitted that this petitioner alone created problem when he was attending the Court proceedings in Karur. Now leaving all these issues aside, now since the trial process is kept pending because of the non appearance of Advocate on behalf of this petitioner, when the legal, statutory and fundamental rights to be represented by a lawyer, when that is negatived, the question of fair trial is not possible.

5.Considering the facts and circumstances of the case, the case in C.C.No.145 of 2014, now pending before the learned Judicial Magistrate No.I, Karur is withdrawn and transferred to the learned Judicial Magistrate No.I, Trichy. The learned Judicial Magistrate No.I, Karur is directed to transfer the entire records in C.C.No.145 of 2014, from his file to the file of the learned Judicial Magistrate No.I, Trichy, forthwith. On receipt of the entire case records in C.C.No.145 of 2014 from the learned Judicial Magistrate No.I, Karur, the learned Judicial Magistrate, No.I, Trichy, shall assign new number in their roster and shall send notices to the parties intimating about the transfer. Thereafter, the learned Magistrate shall complete the trial process within a period of five months from the date of receipt of the records and appearance of the petitioner.

6.This Criminal Original Petition is allowed accordingly. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TM

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.I,
Karur.



2.The Judicial Magistrate No.I,
Trichy.

3.The Sub-Inspector of Police,
Pasupathipalayam Police Station,
Karur District.

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

+1 CC to M/s.P.MUTHUSAMY, Advocate (SR-95[F] dated 04/01/2022)

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