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Crl.O.P.(MD) No.16202 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2022

CORAM

THE HON'BLE MR.JUSTICE **SATHI KUMAR SUKUMARA KURUP**

CRL.O.P(MD)No.16202 of 2022

and

Crl.M.P(MD)No.10736 of 2022

1.Suresh Dhas

2.Saraswathi

...Petitioners

-VS-

1.State represented by
Sub Inspector of Police,
Nithiravilai Police Station,
Kanyakumari District.
(in Cr.No.45 of 2021)

2.Pratap Singh

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to withdraw and transfer the case in C.C.No.138 of 2021 on the file of the learned Judicial Magistrate No.II, Kuzhithurai, Kanyakumari District in connection with Cr.No.45 of 2021 on the file of the Sub Inspector of Police, Nithiravilai Police Station, Kanyakumari District and transfer to any other Court in the nearby District, such as Tirunelveli more particularly, the learned Judicial Magistrate No.I, Valliyoor, Tirunelveli District.

For Petitioner
For R1

: Mr.V.Elangovan
: Mr.B.Nambiselvan
Additional Public Prosecutor



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ORDER

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This Criminal Original Petition has been filed to withdraw and transfer the case in C.C.No.138 of 2021 on the file of the learned Judicial Magistrate No.II, Kuzhithurai, Kanniyakumari District in connection with Cr.No.45 of 2021 on the file of the Sub Inspector of Police, Nithiravilai Police Station, Kanniyakumari District and transfer to any other Court in the nearby District, such as Tirunelveli more particularly, the learned Judicial Magistrate No.I, Valliyoor, Tirunelveli District.

2.Heard the learned Counsel for the Petitioner and the learned Additional Public Prosecutor appearing for the first Respondent.

3.This Court had sought remarks from the learned Judicial Magistrate-II, Kuzhithurai. The remarks offered by the learned Judicial Magistrate-II, Kuzhithurai, also support the contention of the learned Counsel for the Petitioner. Hence, in the light of the remarks offered by the learned Judicial Magistrate-II, Kuzhithurai, the case pending in C.C.No.138 of 2021 on the file of the learned Judicial Magistrate-II, Kuzhithurai, is withdrawn and transferred to the file of the learned Chief Judicial Magistrate, Tirunelveli. The learned Chief



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Judicial Magistrate, Tirunelveli, is directed to transfer the said case to the Judicial Magistrate-I or II, Valliyoor, subject to the convenience of the learned Chief Judicial Magistrate, Tirunelveli. While passing the order transferring the case, the learned Chief Judicial Magistrate, Tirunelveli, shall also pass appropriate orders directing the learned Judicial Magistrate concerned to dispose of the case within a specified time after receipt of the records.

4. With the above directions, the Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petition is closed.

11.11.2022

Index:Yes/No

cmr

To

1. The Principal District Judge, Tirunelveli District.
2. The Principal District Judge, Kanniyakumari District.
3. The Judicial Magistrate No.I, Valliyoor, Tirunelveli District.
4. The Judicial Magistrate No.II, Valliyoor, Tirunelveli District.
5. The Sub Inspector of Police,
Nithiravilai Police Station,
Kanyakumari District.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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SATHI KUMAR SUKUMARA KURUP, J.

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