



Crl.O.P.(MD) No.16795 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2022

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.16795 of 2022

and

Crl.M.P.(MD) Nos.11234 and 11235 of 2022

Kandasamy

...Petitioner

vs

**1.The Inspector of Police
Mudukulathur Police Station
Ramanathapuram District.
Crime No.78 of 2021**

2.Rajasekar

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to withdraw the Sessions Case No.144 of 2022 on the file of the learned Subordinate Judge, Mudukulathur and transfer the same to any other competent Criminal Court outside of Ramanathapuram Sessions Division.

For Petitioner : Mr.M.Dinesh Hari Sudarsan

**For R1 : Mr.B.Nambi Selvan
Additional Public Prosecutor**

For R2 : No appearance



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ORDER

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This Criminal Original Petition has been filed to withdraw the case in S.C.No.144 of 2022 on the file of the learned Subordinate Judge, Mudukulathur and transfer the same to any other competent Criminal Court outside of Ramanathapuram Sessions Division.

2.When the case came up for hearing on 29.09.2022, the then learned single Judge of this Court had sought remarks from the learned Subordinate Judge, Muthukulathur as to whether the Petitioner had been represented by any Advocate or not; any resolution had been passed by the Ramanathapuram Bar Association requesting their member not to appear for the Petitioner adn the stage of the Sessions Case No.144 of 2022. Accordingly, the learned Subordinate Judge had offered his remarks.

3.As per the remarks offered by the learned Sessions Judge, one Advocate, P.Nagarajan of Posukudipatti, Meesal (P.O), Mudukulathur Taluk is on record. No such resolution had been received by the Court. But on 02.03.2021 and 08.03.2021, the Advocates of Mudukulathur and



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Ramanathapuram District boycott the Court on the ground that one of their advocates was grievously attacked. Regarding the stage of the case, it is stated that it is posted for trial.

4.Considering the case arising out of the attack of an Advocate, it is not fair to conduct the trial at Mudukulathur or in Ramanathapuram District, considering the principles of fair trial guaranteed to the citizens of this country.

5.Under those principles, the petition in S.C.No.144 of 2022 pending on the file of the learned Subordinate Judge, Mudukulathur is ordered to be withdrawn and transferred to the file of the learned Principal District and Sessions Judge, Madurai. The learned Subordinate Judge, Mudukulathur is directed to transmit the entire records of S.C.No.144 of 2022 to the Court of the learned Principal District and Sessions Judge, Madurai, as expeditiously as possible. The learned Principal District and Sessions Judge, Madurai shall make over the case to any other learned Additional Sessions Judge available at Madurai, within a period of one month from the date of receipt of the case records in S.C.No.144 of 2022. On receipt of the records, the



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learned Assistant Sessions Judge concerned shall dispose of the case as per law, as expeditiously as possible.

6. With the above direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petitions are closed.

Internet: Yes/No
Index: Yes/No
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17.10.2022

To

1. The Subordinate Judge,
Mudukulathur.
2. The Principal District and Sessions Judge,
Madurai.
3. The Inspector of Police
Mudukulathur Police Station
Ramanathapuram District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

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