



Crl.O.P.No.5920 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 26.06.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.5920 of 2023

and

Crl.M.P.No.3691 of 2023

Murali

...

Petitioner

VS

1.The State represented by
The Inspector of Police,
District Crime Branch,
Thiruvallur District.
Crime No.1 of 2018.

2.R.K.Chandrasekar

3.G.Magendran

...

Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C, to call for the records in C.C.No.55 of 2022 on the file of the Judicial Magistrate-I at Ponneri, Tiruvallur transfer the same to any other competent Court within jurisdiction of Chennai District.

For Petitioner

... Mr.K.Justinselvakumar

For R-1

... Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl side)

For R-3

... Mr.M.R.Dhalapathy



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ORDER

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This Criminal Original Petition has been filed to call for the records in C.C.No.55 of 2022 on the file of the Judicial Magistrate-I at Ponneri, Tiruvallur and transfer the same to any other competent Court within jurisdiction of Chennai District.

2. The only grievance expressed by the petitioner is that, the learned Judicial Magistrate-I at Ponneri, Tiruvallur posted the case for recording evidence in short interval. It is the submission of the learned counsel for the petitioner that, accused filed a quash petition in Crl.O.P.No.3166 of 2018 and the same was allowed on 13.11.2018. The petitioner preferred SLP.(Crl).No.4467 of 2019. In the said circumstances, the continuation of the trial, especially within a short time is not correct. Petitioner apprehends that, the learned Magistrate will not render proper justice. Therefore, he filed this petition to transfer the case to any other competent Court within jurisdiction of Chennai District.



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3. In response, learned Government Advocate (Criminal side) appearing for the 1st respondent submitted that, case is now pending for LW1 and LW2.

4. Learned counsel for the 3rd respondent submitted that, petitioner filed petition to assist the prosecution under Section 301(2) CrI.P.C in CrI.M.P.No.98 of 2023 and the same was allowed. Thereafter, petitioner has not co-operated with the trial of the case. He further submitted that, there is no stay granted by the Hon'ble Supreme Court of India in SLP.(CrI).No.4469 of 2019.

5. Considered the submissions and perused the records.

6. When the matter was taken up on 16.03.2023, it was informed by the learned counsel for the petitioner that, the learned Judicial Magistrate No.I, Ponneri is showing undue haste in trying this case and he has vested interest in this case. However, when the matter is taken up today, there is no material produced to show that, the learned Magistrate has vested



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interest in this case. Merely because the case was adjourned with short interval, it cannot be said that the learned Magistrate has vested interest in the case and acting with haste. Criminal trial is expected to be conducted on day to day basis. Therefore, posting the case at short interval cannot be found fault with. Petitioner has not made any valid and legal ground, for transferring the case from learned Judicial Magistrate-I at Ponneri, Tiruvallur to any other competent Court within jurisdiction of Chennai District. It is informed by the learned counsel for the 3rd respondent that, there is no stay granted by the Hon'ble Supreme Court of India in SLP.(Crl).No.4469 of 2019. When there is no stay, there is no prohibition for proceeding further with the case.

7. In the result, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed.

26.06.2023

Index: Yes/No
Internet: Yes/No
Speaking/Non speaking order

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To

- 1.The Judicial Magistrate-I,
Ponneri,
Tiruvallur
2. The Inspector of Police,
District Crime Branch,
Thiruvallur District.
- 3.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN, J.

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