



Crl.O.P.No.9750 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.9750 of 2023
and Crl.M.P.No.6466 of 2023

A.Devaneethi

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
T-12, Poonamallee Police Station,
Poonamallee.
(Crime No.1039 of 2001)
Respondent

...

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C.,
to withdraw and transfer the CC.No.638 of 2006 pending on the file of
the Learned Judicial Magistrate No.2, Poonamallee to Judicial Magistrate
No.2 Alandur, Chengalpattu District to try the same.

For Petitioner : Mr.S.Punniyakotti
For Respondent : Mr.S.Santhosh
Government Advocate (Crl. Side)



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ORDER

This Criminal Original Petition has been filed to withdraw and transfer the CC.No.638 of 2006 pending on the file of the Learned Judicial Magistrate No.2, Poonamallee to Judicial Magistrate No.2, Alandur, Chengalpattu District to try the same.

2. It is the submission of the learned counsel for the petitioner that the defacto complainant is a Government Advocate and the defacto complainant and other two main witnesses are practicing in the Judicial Magistrate Court-II, Poonamallee. Therefore, the petitioner apprehends that he would not get fair Trial from the Judicial Magistrate Court-II, Poonamallee.

3. In response, the learned Government Advocate (Crl.side) submitted that the submission of the learned counsel for the petitioner is totally unfair and prays for dismissal of this petition.

4. Considered the rival submissions and perused the records.

5. Simply because the defacto complainant is a Government



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Advocate and two material witnesses are Advocates, the prayer seeking transfer of proceedings from the learned Judicial Magistrate No.II, Poonamallee to the learned Judicial Magistrate No.II, Alandur, Chengalpattu District cannot be entertained, unless petitioner has valid and acceptable reason for his apprehension that he would not get fair trial. The Trial is going to be conducted by the learned Judicial Magistrate No.II, Poonamallee and the learned Judge is going to pronounce the Judgment. The defacto complainant and Advocate witnesses are only going to give their evidence. It is the learned Judge who is going to give verdict on the basis of the evidence. No allegation is made against the learned Judge to sustain the apprehension of the petitioner that he would not get fair trial from the Court.

6. Therefore, this Court finds there is no valid or acceptable reasons justifying the transfer of case from learned Judicial Magistrate No.II, Poonamallee to the learned Judicial Magistrate No.II, Alandur, Chengalpattu District.

7. Accordingly, this Criminal Original Petition is dismissed.



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Consequently, connected Miscellaneous petition is closed.

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Index:Yes/No
Speaking/Non speaking order
mn

To



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1. The Judicial Magistrate No.II, Poonamallee.
2. The Judicial Magistrate No.II, Alandur, Chengalpattu District.
3. The Inspector of Police,
T-12, Poonamallee Police Station,
Poonamallee.
4. The Public Prosecutor,
High Court of Madras.

G.CHANDRASEKHARAN.J.,

mn



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