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Cr.O.P.No.13816 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Cr.O.P.No.13816 of 2023

S.Umamaheswari

...Petitioner

Vs.

1.The State rep. By
The Superintendent of Police,
Economic Offences Wing-II(Hqrs),
Guindy, Chennai – 600 032.

2.I.P.Yesudoss

...Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C, to transfer the case in C.C.No.2984 of 2020 on the file of learned Chief Metropolitan Magistrate, Egmore, to the learned Chief Judicial Magistrate, Kumbakonam, for the purpose of recording of evidence, and revert back the case to learned Chief Metropolitan Magistrate, Egmore, within the period fixed by this Court.

For Petitioner : Mr.P.Sukumar

For Respondents :Mr.Leonard Arul Joseph Selvam
Government Advocate (crl.side)
(For R1)



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ORDER

This Criminal Original Petition has been filed to transfer the case in C.C.No.2984 of 2020 on the file of learned Chief Metropolitan Magistrate, Egmore, to the learned Chief Judicial Magistrate, Kumbakonam, for the purpose of recording of evidence, and revert back the case to learned Chief Metropolitan Magistrate, Egmore, within the period fixed by this Court.

2.The learned counsel for the petitioner submitted that most of the witnesses concerned in C.C.No.2984 of 2020 are residing in and around Kumbakonam. Therefore, he prays that the case in C.C.No.2984 of 2020 may be transferred to learned Chief Judicial Magistrate, Kumbakonam, for recording evidence and then records may be sent back to the learned Metropolitan Magistrate, Egmore for the purpose of disposal. It is his further submission that witnesses had deposited only a meagre amount. It would be an harassment and unnecessary expenses on their part, made to come to Chennai for giving evidence.



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3.In reply, the learned Government Advocate (Criminal side) submitted that there are more than 8000 witnesses in this case and it is not necessary to order transfer of case to learned Chief Judicial Magistrate, Kumbakonam, for the purpose of recording evidence.

4.Considered the rival submissions and perused the records.

5.When this Court questioned the learned counsel for the petitioner as to how many witnesses are residing in and around Kumbakonam, petitioner has not given a clear answer. This Court finds from the record that almost all the accused are residing in Chennai or near Chennai. When there is no details given as to the number of witnesses residing in and around Kumbakonam, the prayer for transfer of C.C.No.2984 of 2020 to the learned Chief Judicial Magistrate, Kumbakonam, for recording evidence cannot be entertained.

6.Accordingly, this Criminal Original Petition is dismissed.

22.06.2023

Index: Yes/No



Speaking/Non speaking order
ep



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To

1. The Superintendent of Police,
Economic Offences Wing-II(Hqrs),
Guindy, Chennai – 600 032.

2. The Public Prosecutor,
High Court, Madras.



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G.CHANDRASEKHARAN, J.

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