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Crl.O.P.No.15563 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.15563 of 2023
and Crl.M.P.No.9670 of 2023

S.Kali Das

... Petitioner

Vs.

The State Rep. By
The Inspector of Police,
Voimedu Police Station,
Nagapattinam District.
(Crime No.31 of 2013)

... Respondent

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C., to transfer the case in C.C.No.33 of 2015 on the file of District Munsif Court cum Judicial Magistrate, Vedaraniyam to Judicial Magistrate-I, Mayiladuthurai.

For Petitioner : Mr.R.Sankarasubbu

For R1 : Mr.A.Damodaran

Additional Public Prosecutor

ORDER

<https://www.mhc.tn.gov.in/judicial> This petition has been filed seeking for transfer of the case in C.C.No.33

of 2015 pending on the file of the District Munsif cum Judicial Magistrate,



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Vedaraniyam.

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2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent.

3. The learned counsel for the petitioner submitted that the petitioner is conducting the case before the Court below as party in person. The learned counsel submitted that there was case in counter and according to the petitioner, it is the rival party who were the aggressors and the petitioner had infact given a complaint which was registered in Crime No.32 of 2013. The respondent police had closed this complaint as mistake of fact and the petitioner had filed the protest petition and had sought for further investigation under section 173(8) of Cr.P.C. The learned counsel submitted that the main grievance of the petitioner is that the petitioner wanted to put forth all these facts before the Court below in support of the defence and he was not given an opportunity before the Court below. In view of the same, the present transfer petitioner has been filed before this Court.

4. In the considered view of this Court, the case is now at the stage of final arguments. It is brought to the notice of this Court that the case is posted for hearing on 26.07.2023. It is left open to the petitioner to examine himself on the side of the defence and the documents which are relied upon can also be



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marked on 26.07.2023. It is left open to the prosecutor to cross examine the petitioner. On that day, the examination on the side of the defence shall be completed. Thereafter, the Court below can post the case after two weeks for final arguments. On that day, the petitioner will be permitted to submit his written arguments and also make his oral arguments. Thereafter, it is left open to the trial Court to consider the case on its own merits and in accordance with law and pass a final order. If this procedure is followed, the petitioner will get adequate opportunity to put forth his defence before the Court below.

5. This Criminal Original Petition is disposed of in the above terms.

12.07.2023

Speaking Order/Non-speaking Order

Index :Yes/No

Internet:Yes/No

mpa

Note:issue order copy on 17.07.2023

To

1.The Inspector of Police,
Voimedu Police Station,
Nagapattinam District.

2.The Public Prosecutor,
Madras High Court,
Chennai.



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N.ANAND VENKATESH,J.

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