



Crl.O.P.No.29213 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2023

CORAM

THE HON'BLE Mr.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.29213 of 2022

and

Crl.M.P.No.17864 of 2022

Manikandan

... Petitioner

-Vs.-

1.Samraj

2.Arunkumar,
Sub-Inspector of Police,
M4, Red Hills Police Station,
Chennai 600 052.

3.Baburaj,
Special Sub-Inspector of Police,
M4, Red Hills Police Station,
Chennai 600 052.

.. Respondents

Criminal Original Petition filed under Section 482 of Code of Criminal Procedure to call for records in C.C.No.31 of 2022 pending on the file of the learned Judicial Magistrate No.II, Ponneri Thiruvallur District and transfer the said case to any other competent Court out of Tiruvallur District.



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For Petitioner :Mr.R.Vivekananthan

For Respondents :Ms.N.Fidelia, for R2 and R3
Court notice service awaited for R1

ORDER

This Criminal Original Petition has been filed for transfer of C.C.No.31 of 2022 pending on the file of learned Judicial Magistrate II, Ponneri, Tiruvallur District to any other Courts in the same district or to other Competent Court at Tiruvallur District.

2. It is submitted by the learned counsel for the petitioner that a private complaint was filed by the first respondent against the petitioner and respondents 2 and 3 alleging that they had abused the first respondent and attacked him with criminal intimidation. Therefore, the case was taken on filed for the offences under Sections 294(b), 341, 323 and 506(i) IPC. He further submitted that the first respondent is a practicing Advocate at Ponneri Court and the allegations made in the private complaint are false. However, when the petitioner tried to engage an advocate to defend him in the case, no advocate from Ponneri Courts



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has come forward to defend the petitioner. Thus, it necessitated to file this petition for transfer of this case to some other Courts for fair trial.

3. Notice was taken to the first respondent. Though the notice was served on the first respondent, there was no appearance on behalf of the first respondent. The learned counsel for the respondents 2 and 3 is present and she has no objection for transferring this case to any other Court.

4. Considering the submission made by the learned counsel for the petitioner that no advocate from Ponneri Court has come forward to defend the petitioner and the respondents 2 and 3, this Court is of the view that this case has to be necessarily transferred to some other Court for a just and fair trial in this matter. Therefore, the case on the file of the learned Judicial Magistrate II, Ponneri, Thiruvallur District, is ordered to be transferred to the learned Judicial Magistrate, Thiruvottiyur. The learned Judicial Magistrate II, Ponneri, Thiruvallur District is directed to send the records to the learned Judicial Magistrate, Thiruvottiyur within a



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period of two weeks from the date of receipt of copy of this order. On receipt of the records of the case, the learned Judicial Magistrate, Thiruvottiyur is directed to proceed with the case and dispose of the case in the manner known to law.

5. With the above directions, this Criminal Original Petition is allowed.

19.01.2023

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

To

1.The Judicial Magistrate No.II,
Ponneri,
Thiruvallur District.

2.The Judicial Magistrate,
Thiruvottiyur.



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G.CHANDRASEKHARAN.J.,

nsa

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