



Crl.O.P(MD).No.14436 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.04.2023

CORAM:

THE HONOURABLE MRS. JUSTICE R.THARANI

Crl.O.P(MD).No.14436 of 2021
and Crl.(MD)No.7587 of 2021

K.Sankar

...Petitioner

Vs

1.The State of Tamil Nadu,
Rep. By The Inspector of Police,
Pazhugal Police Station,
Kanyakumari District,
Crime No.265 of 2020

2.C.Stephen

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying this Court to withdraw the case in S.T.C.No.1125 of 2020 on the file of learned Judicial Magistrate No.I, Kuzhithurai and transfer the same to any other District except Kanyakumari District competent to try the case.

For Petitioner	: Mr.R.Mohanasundaram
For 1 st Respondent	: Mr.M.Sakthi Kumar
	Government Advocate (Crl.Side)
For 2 nd Respondent	: Mr.S.Sivakumar



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ORDER

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This petition is filed to transfer the case in S.T.C.No.1125 of 2020 on the file of learned Judicial Magistrate No.I, Kuzhithurai to any other District except Kanyakumari District.

2.On the side of the petitioner, it is stated that the defacto complainant is an advocate practising in Kuzhithurai Bar and there is an oral resolution passed by the Bar Association that no advocate will appeared on behalf of the petitioner. Hence, the petitioner prayed to transfer the case to some other Court.

3.On the side of the second respondent, it is stated that the petitioner has discharged his duty and that he appeared for an accused in Crime No.248 of 2020 for bail. The petitioner is having some enmity against the accused in Crime No.248 of 2020 and for appearing for the accused, the second respondent herein was waylaid and attacked by the petitioner and the petitioner gave a life threat. There is no such resolution passed by the Bar Association against the petitioner. The petitioner is an influential person and the summon could not be served on him till date. If the case is transferred to some other Court, there is possibility for the petitioner to tamper the witness.



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4. On the side of the first respondent, it is stated that there is no such resolution passed by the Bar Association.

5. In view of the above submission, the petitioner is hereby directed to appear before the Court and there is no necessity for any fresh summon to that effect. Since the petitioner is aware that there is case pending before the Court, it is the duty of the petitioner to appear before the Court. Since the defacto complainant is a practising advocate and since the defacto complainant is having an assumption that the petitioner is an influential person having influence with the Police Department, it is necessary that the case is to be transferred to some other Court.

6. In the above circumstances, the case in S.T.C.No.1125 of 2020 is withdrawn from the file of the learned Judicial Magistrate No.I, Kuzhithurai and the same is transferred to learned Judicial Magistrate, Padmanabhapuram. With the above direction, this Criminal Original Petition is **disposed of**. The learned Judicial Magistrate, Padmanabhapuram, is hereby directed to dispose

R. THARANI,J.



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Mrn

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of the case within a period of six months from the date of receipt of copy of this order. Consequently, connected miscellaneous petition is closed.

18.04.2023

NCC : Yes/No

Internet : Yes/No

Index : Yes/No

Mrn

To

1.The Judicial Magistrate No.I, Kuzhithurai

2.The Judicial Magistrate,
Padmanabhapuram.

3.The Inspector of Police,
Pazhugal Police Station,
Kanyakumari District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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