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Crl.O.P.(MD)No.13424 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **27.07.2023**

CORAM:

THE HONOURABLE DR.JUSTICE **D.NAGARJUN**

Crl.O.P.(MD) No.13424 of 2023
and Crl.M.P(MD).No.10469 of 2023

Rajmohan

... Petitioner

Vs.

Vinothini

..Respondent

PRAYER : Criminal Original Petition is filed under Section 407 of Cr.P.C, to withdraw the case in S.T.C.No.539 of 2023 in D.V.No.15 of 2021 on the file of the learned Judicial Magistrate Court, Uthamapalayam and transfer the same to the learned Additional Mahila Court (Magistrate Level), Dindigul.

For Petitioner : Mr.K.K.Samy

ORDER

This Criminal Original Petition is filed seeking transfer of S.T.C.No.539 of 2023 in D.V.No.15 of 2021 on the ground that it is not convenient for the petitioner to come all the way from Chennai to attend the Court proceedings at the learned Judicial Magistrate, Uthamapalayam.



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2. The petitioner failed to convince this Court as to on what ground S.T.C.No.539 of 2023 in D.V.No.15 of 2021 can be transferred from one Court to other Court. Further, the petitioner can appear before the Court through his counsel by making a request to dispense with his personal appearance, in case if he is having any inconvenience to attend the Court. Further there is no merit in this petition.

3. In *Sangeeta Alias Shreya v. Prasant Vijay Wargiya*, wife filed transfer petition on the ground that she has 2½ years old child, that she has no source of income, and that the wife is not in a position to travel alone. The husband therein took a plea that he has no income and he is apprehending threats to his life and liberty if he is made to go to Kota, Rajasthan, the place where wife is seeking transfer of matrimonial case. In the said case the Hon'ble Supreme Court held as follows:

“We are still living in a civilised society. We see no substance in the submission that there would be danger to his life if he attends the Court at Kota and if any threat is given, the respondent can always complaint to that Court and we are sure that his, if one made, will be considered on its merit. Between a husband and a wife, the convenience of the wife must prevail particularly when the wife has a 2½ years old child”.



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4. The petitioner is seeking for the transfer of case on the ground of inconvenience due to the long distance from the place where he is living and the place where the Court is situated. But, he has not taken note the inconvenience that may likely to cause to the respondent if the case is transferred as sought for by him.

5. There are no merits in this petition accordingly, this Criminal Original Petition is dismissed. Connected miscellaneous petition is closed.

Index : Yes/No
Internet : Yes/No
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DR.D.NAGARJUN. J.

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