



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.04.2023

CORAM:

THE HONOURABLE **MR. JUSTICE K.K.RAMAKRISHNAN**

CrI.O.P.(MD) No.19086 of 2016

and

CrI.M.P(MD)No.9557 of 2016

M.Rajendran

...Petitioner/Sole Accused

Vs.

1.The State through

The Inspector of Police,
Cantonment Police Station,
Trichy District.

(Crime No.781 of 2015)

... Respondent/Complainant

2.V.Suresh Kumar

...Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 407 Cr.P.C. praying to withdraw and transfer the C.C.No.287 of 2016 from the file of the Judicial Magistrate No.II, Trichy, to the file of the Judicial Magistrate, Kulithalai, Karur District.

For Petitioner	: Mr.A.P.Muthu Pandian
For R1	: Mr.M.Muthumanikkam
	Government Advocate (CrI.Side)
For R2	: No Appearance

ORDER

The petitioner is sole accused in the C.C.No.287 of 2016 on the file of the learned Judicial Magistrate No.II, Trichy, and he filed this petition under Section 407 Cr.P.C., to withdraw the case in C.C.No. 287



of 2016 on the file of the learned Judicial Magistrate No.II, Trichy, to withdraw the case and transfer the same to the Judicial Magistrate, Kulithalai, Karur District.

2.The specific case of the petitioner is that the defacto complainant/2nd Respondent herein is a practicing Advocate of the Thirucirappalli Bar Association. Hence, he has expressed some apprehension in attending the proceedings before the learned Judicial Magistrate No.II, Trichy. In this regard, he sent a representation to the Director General of Police, Chennai, on 21.03.2016 stating that some contuse atmosphere prevailed in the trial Court campus and he specifically stated that there was some life threat at the instigation of defacto complainant. He also stated that the Thirucirappalli Bar Association passed a resolution that no members of the Thirucirappalli Bar Association shall enter appearance on behalf of the accused/petitioner herein and he substantiated the said plea by producing the number of documents.

3.This Court perused the entire materials and accept the apprehension of the petitioner is *bona fide* one and hence, this Court



finds sufficient reasons to transfer the case. It is well settled principle that it is not enough that justice should be done and also justice must also been seen to be done and a sense of satisfaction and confidence in it engendered. So, in the interest of justice and in order to render fair justice, this Court is inclined to transfer the case from the learned Judicial Magistrate No.II, Trichy, to the learned Judicial Magistrate, Manapparai.

4. Accordingly, this Criminal Original Petition is allowed with the following directions:-

i) The learned Judicial Magistrate, Manapparai, is directed to complete the trial within a period of 2 months from the date of next hearing.

- Consequently, the connected miscellaneous petition is closed.

18.04.2023

2/2

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
dss



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4

K.K.RAMAKRISHNAN, J.

dss

To

- 1.The Judicial Magistrate No.II,
Trichy.
- 2.The Judicial Magistrate,
Manapparai.
3. The Inspector of Police,
Cantonment Police Station,
Trichy District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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and
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