



Crl.O.P.(MD)No.15240 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **31.08.2023**

CORAM:

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

Crl.O.P.(MD) No.15240 of 2023
and Crl.M.P(MD).No.12074 of 2023

K.Rama

... Petitioner

Vs.

1.The State rep.by its
The Inspector of Police,
Bodinayakkanur Town Police Station,
Theni District.
Crime No.58 of 2022.

2.M.Anantharaj

..Respondents

PRAYER : Criminal Original Petition is filed under Section 407 of Cr.P.C., to withdraw and transfer the case in C.C.No.178 of 2023 on the file of the Judicial Magistrate Court, Bodinayakkanur, Theni, to the file of any other competent Court having jurisdiction to try the same in any District and consequently, direct the transferee Court to dispose the same in a manner known to law.

For Petitioner : Mr.M.Jerin Mathew

For R1 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor



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ORDER

This Criminal Original Petition is filed seeking transfer of C.C.No.178 of 2023 pending on the file of the learned Judicial Magistrate, Bodinayakkanur, Theni, to any other competent Court.

2. It is submitted by the learned counsel appearing for the petitioner that on the basis of a complaint given by the petitioner herein who is a practicing advocate, a case has been registered in Crime No.58 of 2022 on 09.02.2022 for the offence punishable under Sections 294(b), 509 and 506(1) IPC, against the accused who is also the practicing advocate of the same Bar Association. It is also submitted that a case has been registered against the petitioner in Crime No.2690 of 2021 for the offence punishable under Sections 464, 465, 468, 471 r/w 109 IPC on the complaint given by the members of the Bar Association. It is submitted that since the accused in this case is the junior of the secretary of the bar association and that the entire bar association is in favour of the accused as 25 advocates have filed the memo of appearance in favour of the accused and since the trial Court is insisting the petitioner to appear for giving the evidence, the petitioner suspects that the fair trial may not be taken place.



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3. The petitioner is suspecting that fair trial may not take place on account of supporting of most of the members of bar association to the accused. It is to be noted that in this case, not only the accused but also the petitioner is also a member of the Bar.

4. There is no material placed before the Court that merely because the majority of the advocates are in favour of the accused, prejudice may be caused to the petitioner. In case the petitioner suspects that the Court may not be convenient for giving the evidence, since the rest of the bar association is in favour of the accused, the petitioner may request the learned Presiding Judge to get her evidence recorded either by way of Advocate Commissioner or by way of video-conferencing by following the Video-conferencing Rules of the Madras High Court.

5. The learned Judicial Magistrate, Bodinayakkanur, Theni, is directed to consider the recording of evidence of the petitioner either by way of the Advocate Commissioner or by way of Video-conferencing by following the Video-conferencing Rules.



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6. The learned Additional Public Prosecutor appearing for the respondents Police is directed to indicate the prosecution of the trial Court to co-operate for producing of the evidence either by way of Advocate Commissioner or by way of video-conferencing as directed by the trial Court

7. With these observations, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

Index : Yes/No
Internet : Yes/No
ssb

31.08.2023

To

- 1.The Inspector of Police,
Bodinayakkanur Town Police Station,
Theni District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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DR.D.NAGARJUN. J.

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