



Crl.O.P.(MD).No.18849 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2023

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD).No.18849 of 2023

Suthar

... Petitioner

Vs.

**1.The State rep by
The Inspector of Police
Karungal Police Station,
Kanyakumari District
Crime No-612 of 2015.**

2.John Jebakani

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, To withdraw and transfer SC No.273/2017 pending on the file of Assistant Sessions Court, Eraniel to Assistant Sessions Court, Nanguneri or any other Assistant Sessions Court, Tirunelveli District.

For Petitioner	: Mr.M.R.Sreenivasan
For R1	: Mr.M.Sakthi Kumar
	Government Advocate
	(Crl.side)
For R2	: Mr.C.K.M.Appaj



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ORDER

This petition is filed seeking transfer of the case in SC No. 273/2017 pending on the file of Assistant Sessions Court, Eraniel to Assistant Sessions Court, Nanguneri or any other Assistant Sessions Court, Tirunelveli District.

2.Heard the learned counsel appearing for the petitioner and the learend Additional Public Prosecutor appearing on behalf of the respondents and also the learned counsel for the second respondent.

3.While filing the petition in Crl.O.P.(MD).No.15022 of 2017, the petitioner rightly mentioned the case as S.C.No.273 of 2017 on the file of the learned Judicial Magistrate Court No.II, Nagercoil. But, while typing the order, the mistake was committed by mentioning the case in S.T.C.No.114 of 2014, instead of S.C.No.273 of 2017 and also the respective Courts.



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4.Instead of making a mention before this Court for correcting the above said mistake, the petitioner filed this second petition, which is not maintainable.

5.Accordingly, this Criminal Original Petition is dismissed as unnecessary, granting liberty to the petitioner to work out the remedy appropriately.

22.11.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
VSG

To

- 1.The Inspector of Police
Karungal Police Station,
Kanyakumari District
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN, J.,

In view of the order passed by this Court in Crl.O.P.(MD).No. 18849 of 2023, dated 22.11.2023, this Court is inclined to correct the mistake in the order dated 20.09.2019, passed in Crl.O.P.(MD).No.15022 of 2017.

2.Considering the same, in the order dated 20.09.2019, made in this petition, in paragraph No.5 may be modified as follows:

“5.....The proceedings in S.C.No.273 of 2017, pending on the file of the District and Sessions Court, Nagercoil, Kanyakumari District, is withdrawn and transferred to the file of the Assistant Sessions Court, Nanguneri. The District and Sessions Court, Nagercoil, Kanyakumari District, shall send.....to the Assistant Sessions Court, Nanguneri. The Assistant Sessions Court, Nanguneri, shall immediately on receipt of the case.....”

3.Hence, the Registry is directed to make necessary corrections in the order dated 20.09.2019 in para No.5 and issue fresh order copy.

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