



CrI.O.P.(MD)No.20259 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2023

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THE HON'BLE MR.JUSTICE G.ILANGO VAN

CrI.O.P.(MD)No.20259 of 2022

and

CrI.M.P(MD).No.1297 of 2023

Spurgeon Samuel

... Petitioner/Accused No.1

Vs.

1.The State rep.by,
Inspector of Police,
Asaripallam Police Station,
Kanyakumari District.
(Crime No.219 of 2021)

...Respondent/Complainant

2.Jaikumar

....2nd Responden/
Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to withdraw and transfer the case pending in S.C.No.36 of 2022 from the file of Additional District Court, Nagercoil, Kanyakumari to District and Sessions Court, Tirunelveli District or any other Court as deem fit by this Court.

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For Petitioner	: Mr.Mohamed Aslam.M.U for M/s.Ajmal Associate
For R1	: B.Nambiselvan, Additional Public Prosecutor
For R2	: B.Micheal Sebastin

ORDER

This petition has been filed to withdraw and transfer the case pending in S.C.No.36 of 2022 from the file of Additional District Court, Nagercoil, Kanyakumari to District and Sessions Court, Tirunelveli District or any other Court as deem fit by this Court.

2. The learned Senior Counsel appearing for the petitioner would submit that earlier, the Boothapandy Bar Association has passed a resolution, directing the members not to appear on behalf of the petitioner and as per the general resolution already passed by the Nagercoil Bar Association, no advocate is ready to appear on behalf of the petitioner in the case in P.R.C.No.3 of 2022 pending on the file of the Judicial Magistrate Court No.I, Nagercoil, Kanyakumari District.

3. On 24.01.2023, after hearing both side counsels, this Court called for a report from the Additional District Court, Nagercoil and also



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from the Bar Association, Nagercoil, as to whether any resolution was passed or direction was issued by the Association directing its members not to appear on behalf of the petitioner.

4. Today, report has been received from the concerned Court, wherein it is stated that the first accused were arrested and thereafter, released on bail. One P.Subramanian, Nagercoil filed memo of appearance on behalf of the first accused and other advocates from the Nagarcoil Bar Association are continuously appeared on behalf of the other accused persons. Now the grievance expressed by the petitioner that on the strength of the resolution passed by the Bhoothapandy Bar Association no one appeared from the Nagercoil Bar Association on behalf of him is found to be not correct even on records, on that ground, this Court is not inclined to entertain this petition. Accordingly, this Criminal Original petition is dismissed. Consequently, the connected Miscellaneous Petition is closed.

07.03.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

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



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G.ILANGO VAN,J

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Order made in
Crl.O.P.(MD)No.20259 of 2022

Dated : 07.03.2023