



Crl.O.P.(MD)No.22812 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.22812 of 2022

and

Crl.M.P(MD)No.16143 of 2022

Vijaya Kumar

... Petitioner

Vs.

1.State rep.by the Inspector of Police,
Kovilpatti East Police Station,
Thoothukudi.
Crime No.167 of 2018.

2.Mahendra Kumar

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to transfer the case in S.C.No.139 of 2020, pending trial, from the file of the learned Sub Judge, Kovilpatti to any other nearby District.

For Petitioner : Mr.M.Mano Kumar,

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



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ORDER

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This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders, to transfer the case in S.C.No.139 of 2020, pending on the file of the learned Sub Judge, Kovilpatti to any other nearby District.

2. The main contention of the petitioner is that the second respondent/defacto complainant is the past President of Kovilpatti Bar Association and that no Advocate was willing to appear on behalf of the accused.

3. When the matter was taken up for hearing on 23.01.2023, considering the submission of the learned counsel for the petitioner that no one was willing to appear on behalf of the petitioner, this Court directed the Registry to call for a report from the concerned Court and also from the Kovilpatti Bar Association as to whether any resolution was passed or direction was issued by the Association, prohibiting its members to appear on behalf of the petitioner in the case in S.C.No.139 of 2020.



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4. In pursuance of the same, the present President, Kovilpatti Bar Association, has sent a report, dated 01.02.2023 stating that their Bar Association did not pass any resolution and they did not restrain any Advocate to appear on behalf of the accused.

5. The learned Subordinate Judge, Kovilpatti, has submitted a report, dated 02.02.2023 stating that on receiving summons, the accused had appeared before the Court and one Advocate by name Mr.K.Kavaskar, has already filed vakalat on behalf of the accused on 14.09.2022 and that since the accused has not appeared before the Court in the subsequent hearings, the charges were not framed.

6. Considering the report of the Bar Association Kovilpatti and also the report of the learned Subordinate Judge, Kovilpatti, that Advocate had entered into appearance on behalf of the accused, this Court is not inclined to grant any relief.

7. Except the above, the petitioner has not canvassed any other reason or ground to transfer the case.



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8. However, the learned counsel for the petitioner would submit that the trial Court may be directed to complete the trial and to dispose of the case within a time frame to be stipulated by this Court.

9. Considering the above, the learned Subordinate Judge, Kovilpatti, is directed to frame the charges and proceed with the trial in S.C.No.139 of 2020, and complete the same as expeditiously as possible preferably within a period of four months from the date of receipt of copy of this order.

10. With the above directions, this Criminal Original Petition stands disposed of. Consequently, connected Miscellaneous Petition is closed.

08.02.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
das



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To

- 1.The Sub Judge, Kovilpatti.
- 2.The Inspector of Police,
Kovilpatti East Police Station,
Thoothukudi.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

Order made in
Crl.O.P.(MD)No.22812 of 2022
and
Crl.M.P(MD)No.16143 of 2022

Dated: 08.02.2023