



*Crl.O.P.(MD) No.3795 of 2023*

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.08.2023

CORAM:

THE HONOURABLE DR.JUSTICE D.NAGARJUN

**Crl.O.P.(MD) No.3795 of 2023**

**and**

**Crl.M.P.(MD).No.3373 of 2023**

A.S.Bhuvaneswaran

... Petitioner

Vs.

1.The Sub Inspector of Police,  
Sernthamaram Police Station,  
Sernthamaram,  
Tenkasi-627 857.

2.Muthukumar

..Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to transfer the case in STC.No.727 of 2021 pending before the learned Judicial Magistrate Court, Tenkasi to learned Judicial Magistrate Court, Srivilliputhur, Virudhunagar District and any other competent Court in Virudhunagar District with law.

For Petitioner : Mr.R.Alagumani

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



*Crl.O.P.(MD) No.3795 of 2023*

WEB COPY

### **ORDER**

This Criminal Original Petition is filed under Section 482 of Cr.P.C. seeking to transfer S.T.C.No.727 of 2021 pending on the file of the learned Judicial Magistrate Court, Tenkasi to the learned Judicial Magistrate Court, Srivilliputhur, Virudhunagar District.

2. It is submitted by learned counsel for the petitioner that he has been a practising Advocate at the Principal Bench of this Hon'ble High Court, Chennai and on account of Covid-19 lock down, he has moved to his native place and he has been taking care of his father's agricultural operations. Crime No.331 and 397 of 2020 were registered against him on the file of respondent No.1 Police. The petitioner has filed Crl.O.P.(MD).No.3149 of 2021 in Crime No.397 of 2020 and Crl.O.P.(MD).No.2080 of 2021 in Crime No.331 of 2020 and both of them were disposed of, directing the respondents to file final report within a period of three months.

3. The petitioner has appointed Mr.Maria Madhanraj as his counsel to represent his cases in the Judicial Magistrate Court, Tenkasi and when the



*Crl.O.P.(MD) No.3795 of 2023*

WEB COPY

Police have not completed the investigation within three months as direction passed by this Court in Crl.O.P.(MD).Nos.3149 and 2080 of 2021, the petitioner has sent a contempt notice to the respondent Police, on which, the respondent Police have filed a final report as “Undetected” in Crime No.331 of 2020.

4. Aggrieved by filing of the final report, the petitioner has filed a protest petition. When his Counsel, Mr.Maria Madhanraj could not appear on one of days of hearing, the petitioner appeared before the Court. During the course of enquiring in the protest petition in Crime No.397 of 2020, on 01.06.2022 again when his counsel Mr.Maria Madhanraj was not present, the petitioner appeared. Learned Judicial Magistrate directed the office to contact the petitioner's Advocate, Mr.Maria Madhanraj to appear before the Court. Accordingly, Mr.Maria Madhanraj appeared and reported the Court that the signature on the petition, does not belong to him and that he is no way connected with the case and he has not filed. On which, after satisfying that the petition is not in the name of Mr.Maria Madhanraj without his knowledge, the learned Magistrate has issued two show cause notices to the petitioner seeking explanation as to why the complaint shall not be made against the petitioner before the Bar Council, under



*Crl.O.P.(MD) No.3795 of 2023*

WEB COPY

the Advocate Act, 1961, for appearing before the Court in Advocate robes as a party in person and the second notice was allegedly issued for initiation of criminal proceedings against him for the offences under Sections 420, 468 and 471 of I.P.C. It is submitted by learned counsel for the petitioner that the petitioner has not committed any crime in respect of both the show cause notices and that the petitioner has been facing lot of difficulties to proceed with S.T.C. 727 of 2021 and therefore, transfer of S.T.C.727 of 2021 from- the learned Judicial Magistrate, Tenkasi to the file of the learned Judicial Magistrate, Srivilliputhur, Virudhunagar District.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the State and perused the records.

6. The petitioner has filed Crl.O.P.(MD).Nos.19705 and 19742 of 2022 seeking to set aside the show cause notices issued by the learned Judicial Magistrate, Tenkasi, but, the same was disposed of while directing the learned Judicial Magistrate to consider the same and dispose of the proceedings in respect of the impugned show cause notice as per law.



*Crl.O.P.(MD) No.3795 of 2023*

WEB COPY

7. In the present petition, the only ground on which, the petitioner is seeking for transfer of S.T.C.No.727 of 2021 is that the Presiding Officer, is vexatiously disposed of against him and that the learned Magistrate has issued two show cause notices to him, who is a practising Advocate. One for appearing before the Court in robes as party in person and other one as to why the criminal proceedings shall not be initiated against the petitioner for the offences under Sections 420, 468 and 471 of I.P.C. In respect of appearing before the Court in their robes as a party in person is concerned, even according to the petitioner, he has appeared in his own case as an Advocate, but, not as a party in person, however, he has offered explanation that his counsel, Mr.Maria Madhanraj has to appear in that case, but, since he was not available, he himself appeared and represented. Similarly, another grave issue is that according to the petitioner, he has engaged Mr.Maria Madhanraj counsel to represent his case, but, the learned Magistrate realized that he has not been appearing for the petitioner and the learned Magistrate called him and on enquiry, after going through the records the said counsel reported that he has not signed on any of the petitions and vakalat on behalf of the petitioner. This Court has disposed of Crl.O.P.(MD).Nos.19705 and



*Crl.O.P.(MD) No.3795 of 2023*

19742 of 2022 filed by the petitioner challenging the issuance of show cause notices.

8. On considering the submissions made by the petitioner and also taking into consideration the events that had happened in the Court, it cannot be stated that the learned Magistrate has personally disposed of against the petitioner. The petitioner has failed to make out any ground that the directions given by the learned Magistrate against the petitioner are personal.

9. In view of the submissions made above, there are no justifiable grounds for the transfer of S.T.C.No.727 of 2021 from the learned Judicial Magistrate, Tenkasi to the file of the learned Judicial Magistrate, Srivilliputhur, Virudhunagar District.

10. Accordingly, this Criminal Original Petition stands dismissed. Consequently, the connected miscellaneous petition is closed.

Speaking : Yes / No  
NCC : Yes / No  
Internet : Yes / No  
Index : Yes / No  
tsg

**18.08.2023**

6/8



WEB COPY



*Crl.O.P.(MD) No.3795 of 2023*

To

- 1.The Judicial Magistrate, Tenkasi.
- 2.The Sub Inspector of Police,  
Sernthamaram Police Station,  
Sernthamaram,
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.



WEB COPY



*Crl.O.P.(MD) No.3795 of 2023*

**DR.D.NAGARJUN. J.**

tsg

**|Crl.O.P.(MD) No.3795 of 2023**

**18.08.2023**