IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

TUESDAY, THE 30TH DAY OF JULY 2024 / 8TH SRAVANA, 1946

TR.P(CRL.) NO. 107 OF 2018

AGAINST THE ORDER/JUDGMENT DATED IN CC NO.2064 OF 2015 OF JUDICIAL MAGISTRATE OF FIRST CLASS - III (TEMPORARY SPECIAL COURT),KOLLAM

PETITIONER:

A.S. DILEEP
AGED 48 YEARS
S/O ABOOBAKER,
ABU BUILDINGS,
PUTHUKULANGARA WARD,
UZHAMALAKKAL, NEDUMANGAD,
THIRUVANANTHAPURAM, PIN 695541.
BY ADV SHERLY MOL THOMAS SHERLY

RESPONDENT:

ANOOP
AGED 24 YEARS
S/O.A.S.DILEEP,
ANUPAMA, LEKSHMINADA,
ANCHALAMOODU, KOLLAM, PIN - 691013.
BY ADV R.S.KALKURA

OTHER PRESENT:

SRI. NOUSHAD K. A. (PP)

THIS TRANSFER PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 30.07.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

Tr.P.(Crl) No. 107 of 2018

Dated this the 30th day of July, 2024

ORDER

Petitioner seeks for a transfer of C.C.No.2064/2015 on the files of the Judicial First Class Magistrate's Court, Kollam to the Judicial First Class Magistrate's Court, Thiruvnanthapuram or any other competent court.

2. The learned counsel for the petitioner submitted that the continuance of the case before the Magistrate's Court at Kollam creates difficulties and inconvenience to the petitioner, and therefore, the case ought to be transferred to the court at Thiruvananthapuram, which is closer to his residential house. The learned counsel further submitted that he is a temporary employee of KSRTC, having no facility for leave, and therefore compelling him to appear before the court at Kollam would create further prejudice.

3. The learned counsel for the respondent, on the other hand, contended that the inconvenience stated by the petitioner is without any basis and that the distance between Kollam and

Thiruvananthapuram is not much to warrant a transfer of the case.

4. I have considered the rival contentions.

5. The convenience of the accused cannot be given due regard in a prosecution. The complainant has chosen to file the case before the Kollam court, where it is pending consideration. Merely because the accused feels it to be more convenient to have the case tried in a jurisdiction in a court near his house cannot be a factor to be reckoned by this Court, while considering a transfer petition. Hence, I find no reason to allow this transfer petition.

Accordingly, this transfer petition is dismissed.

Sd/-

BECHU KURIAN THOMAS
JUDGE

AJM

APPENDIX OF TR.P(CRL.) 107/2018

PETITIONER ANNEXURES

ANNEXURE A	**TRUE COPY OF SUMMONS IN C.C.NO.2064/17 BEFORE THE HONOURABLE TEMPORARY MAGISTRATE COURT-II, ANANDAVALLESHWARAM, KOLLAM.**
ANNEXURE B	**TRUE COPY OF F.I.R NO.1236 DATED 12.08.2014 BY KOLLAM WEST POLICE STATION.**
ANNEXURE C	**TRUE COPY OF THE WOUND CERTIFICATE ISSUED BY THE MEDICAL OFFICER OF THE DISTRICT HOSPITAL, KOLLAM DATED 11.08.2014.**
ANNEXURE D	**TRUE COPY OF THE ORDER PASSED BY THE JFCM, KATTPKADA IN CMP 2950/08 DATED 23.01.2010.**
ANNEXURE E	**TRUE COPY OF PETITIONER'S I.D.CARD ISSUED BY KSRTC.**
ANNEXURE F	**TRUE COPY OF ORDERS PASSED IN W.P.(C) NO.5475/2006.**