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Criminal Original Petition No.1546 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.1546 of 2024

and

Crl.M.P.No.1085 of 2024

R.Hathijaammal
W/o.Rahamuthullah

... Petitioner

Vs.

Mohammed Nabeesh
S/o.Kathar Muhaideen

... Respondent

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to withdraw the case in C.C.No.6/2022 on the file of Fast Track Judicial Magistrate Court, Thiruthuraipoondi, Thiruvarur District and transfer the same to any other competent Court within the District of Thanjavur.

For Petitioner : Mr.B.N.Raja Mohamed

ORDER

This Criminal Original Petition has been filed seeking to transfer the case pending in C.C.No.6 of 2022 on the file of Fast Track Court,



Criminal Original Petition No.1546 of 2024

WEB COPY

Judicial Magistrate, Thiruthuraipoondi, Thiruvarur District, to any other competent Court within the district of Thanjavur.

2. Heard Mr.B.N.Raja Mohamed, learned counsel for petitioner and carefully perused the materials available on record.

3. In the considered view of this Court, it is seen that this case has been pending from the year 2022 onwards. Right from 03.08.2022, the petitioner has never appeared before the Court below and every time, an application is filed u/s.317 Cr.P.C. and it was allowed. PW-1 was examined in chief on 23.11.2022. Thereafter, the case is pending for cross-examination of PW-1.

4. The ground that has been raised by the petitioner is that she was abused in filthy language and she was threatened by the complainant. For this incident, which is said to have taken place on 12.04.2023, a complaint is sent through registered post to the police only on 30.05.2023. This Court does not find any valid ground raised justifying transfer of the case.



Criminal Original Petition No.1546 of 2024

5. The petitioner shall be permitted to be represented through a counsel and she shall be present before the Court as and when required. The counsel representing the petitioner shall proceed further with the cross-examination of PW-1 and if there is no progress in the case, the Court below is directed to insist for the presence of the petitioner. Ultimately, the case in C.C.No.6 of 2022 shall be completed by the Fast Track Court, Judicial Magistrate, Thiruthuraipoondi, Thiruvarur District, within a period of four (4) months from the date of receipt of a copy of this order.

This Criminal Original Petition is disposed of with the above direction. Consequently, connected miscellaneous petition is closed.

31.01.2024

Speaking Order/Non-speaking Order
Index : Yes/No
Neutral citation: Yes/No
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To
The Fast Track Court,
Judicial Magistrate,
Thiruthuraipoondi,
Thiruvarur District.



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N.ANAND VENKATESH, J.

gm

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