



Criminal Original Petition No.1707 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :14.02.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.1707 of 2024

K.B.Krishnamoorthy

...Petitioner

Vs

1. The State rep. by
Inspector of Police,
Kuthalam Police Station,
Mayiladuthurai District

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to withdraw the case in CC No.1048 of 2022 on the file of the Chief Judicial Magistrate, Nagapattinam and transfer the same to the Chief Judicial magistrate, Mayiladuthurai.

For Petitioner : Mr.U.Kathiravan

For Respondent : Mr.A.Damodaran

Additional Public prosecutor

ORDER



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This petition has been filed withdraw the case in CC

No.1048 of 2022 on the file of the Chief Judicial Magistrate, Nagapattinam and transfer the same to the Chief Judicial magistrate, Mayiladuthurai.

2. Heard Mr.U.Kathiravan, learned counsel for the petitioner and Mr.A.Damodaran, learned Additional Public prosecutor for respondents.

3. When the matter came up for hearing on 31.01.2024, this Court passed the following order :-

This petition has been filed seeking for transfer of the case in CC No.1048 of 2022 pending on the file of Chief Judicial Magistrate, Nagapattinam to the file of Chief Judicial Magistrate, Mayiladuthurai.

2. Learned Judicial Magistrate, Nagapattinam, is directed to send a report as to whether this case must also be transferred to the Chief Judicial Magistrate, Mayiladuthurai, by virtue of bifurcation or the Jurisdiction continues to vest with the Chief Judicial Magistrate,



Nagapattinam. On receipt of the same, further orders will be passed in this petition. The report shall reach this Court on or before 14.02.2024.

Post this case under the same caption o 14.02.2024.

4. Pursuant to the above order, a report has been received from the learned Chief Judicial magistrate, Nagapattinam. The relevant portions are extracted hereunder :-

I Most respectfully submit that the case in C.C.No.1048/2022 in the file of the Chief Judicial Magistrate Court, Nagapattinam related to the case of CBCID Police wing Nagapattinam in Cr.No. 02/2021. After completion of the investigation the CBCID Police filed final report on 17.10.2022 before the Chief Judicial Magistrate Court, Nagapattinam. The case was taken on file on 19.10.2022. Now the stage of the case is for Examination of further witnesses on prosecution side. Already PW1 to PW8 witnesses Examined.

I Most respectfully submit that the CBCID police wing, Nagapattinam has jurisdiction for Nagapattinam and Mayiladuthurai districts. There is no separate CBCID police wing branch for Mayiladuthurai district till date. Accordingly Nagapattinam and Mayiladuthurai districts CBCID cases were under the jurisdiction of Nagapattinam CBCID police wing. The Nagapattinam CBCID police wing comes under the jurisdiction of Chief Judicial Magistrate Court, Nagapattinam.



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I Most respectfully submit that in this case the occurrence place Kuthalam vested with the Mayiladuthurai revenue district. But the case registered by the CBCID police, Nagapattinam. Hence, for CBCID police, Nagapattinam cases comes under the jurisdiction of Chief Judicial Magistrate Court, Nagapattinam. According to the occurrence place territorial jurisdiction only comes under the Chief Judicial Magistrate Court, Mayiladuthurai. But the police station CBCID wing Nagapattinam jurisdiction comes under the Chief Judicial Magistrate Court, Nagapattinam. Accordingly this report submitted and much obliged.

5. In view of the above, it is clear that insofar as the CBCID Police wing, Nagapattinam is concerned, it comes within the Jurisdiction of Chief Judicial Magistrate, Nagapattinam and there is no question of transferring the case to the Chief Judicial Magistrate, Mayiladuthurai. Considering the report submitted by the learned Chief Judicial Magistrate, Nagapattinam, the relief as sought for by the petitioner cannot be granted by this Court.

6. This Criminal Original petition is disposed of in the above terms.

14.02.2024

Index : Yes/No

Speaking order:Yes/No



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Neutral citation:Yes/No
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To

1. The Chief Judicial Magistrate, Nagapattinam
2. The Chief Judicial magistrate, Mayiladuthurai.
- 3.The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J
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