



WEB COPY



Crl.O.P.No.16039 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2024

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THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

Crl.O.P.No.16039 of 2024

Krishnamoorthy

... Petitioner

Vs.

The State Rep.by
The Inspector of Police,
District Crime Branch,
Ariyalur District,
Ariyalur. (Crime No.4 of 2014)

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C.,
pleased to withdraw the petition in C.C.No.318 of 2017, pending on the
file of the learned Judicial Magistrate No.II, Jayamkondam and transfer
the same to learned competent Court at Mayiladuthurai.

For Petitioner : Mr.T.Padmanabhan

For Respondent : Mr.S.Udayakumar
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition is filed by the defacto complainant
to transfer the case in C.C.No.318 of 2017, on the file of the Judicial
Magistrate No.II, Jayamkondam to any other Magisterial Court at



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Mayiladuthurai on the ground that the 1st accused is very influential person, who had tampered the records and the deposition of the witnesses has gone missing, not cooperating even for reconstruction of the documents and also threatening the petitioner with dire consequence, if he continue to insist for the trial.

2. This Court taking note of the fact that Crime No.4 of 2014 registered on the complaint given by the petitioner herein for the offences under Sections 406, 420, 467, 468 & 506 (ii) IPC, was originally heard by the Judicial Magistrate No.I, Jayamkondam as C.C.No.283 of 2015. After constituting Judicial Magistrate No.II Court, the case was transferred to Judicial Magistrate No.II and renumbered as C.C.No.318 of 2017. However, the depositions were not forwarded to Judicial Magistrate No.I Court to Judicial Magistrate No.II Court, till date though both the Courts are functioning under the same building. In spite of several adjournments for the past four years, there is no progress in the trial. The petitioner states that every hearing he attending the Court and the accused persons keep on threatening to withdraw the case.

3. When the matter is taken up for admission, this Court called



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for records from the Judicial Magistrate to assign the reason for inordinate delay in completing the trial. It is reported that during transit of cases from Judicial Magistrate No.I to Judicial Magistrate No.II, deposition of PW.1 went missing and repeated letters addressed to Judicial Magistrate No.I by the Judicial Magistrate No.II, has not yielded any result. The pathetic condition of the petitioner could be easily visualised. Having lost his money by fraudulent act of the accused is not able to establish his case before the Court of law. Tampering of the documents, insensitivity of the Court not acting upon the request of the petitioner either to trace the deposition or request for re-examination of the witness afresh not been considered by the Court below. The letter sent to the concerned Court to report also has not evoked any sensible response. Hence this Court is of the view that all these fault could be traced in the alleged influence of the accused person who are putting spokes in the wheels of justice.

4. Hence this Court is of the view that it is appropriate to transfer the case pending in C.C.No.318 of 2017 on the file of the

Dr.G.JAYACHANDRAN,J.

rpl



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Judicial Magistrate No.II, Jayamkondam to the Judicial Magistrate-I, Mayiladuthurai. The Chief Judicial Magistrate, Mayiladuthurai is hereby directed to monitor the disposal of the case and report about the progress to this Court every bimonthly. Accordingly, this Criminal Original Petition is allowed.

30.08.2024

Neutral Citation : Yes/No
rpl

To

1.The Judicial Magistrate No.II, Jayamkondam

2.The Inspector of Police,
District Crime Branch,
Ariyalur District,
Ariyalur.

3.The Public Prosecutor,
High Court of Madras,
Chennai.

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