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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2024

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.2086 of 2024

Uma

.. Petitioner

vs.

1.The State by
The Inspector of Police
All Women Police Station (Central)
Coimbatore District.
(Crime No.5 of 2022)

2.C.Vijayakumar

..Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to withdrawn the trial in C.C.No.454 of 2023, pending on the file of Additional Mahila (Judicial Magistrate) of Coimbatore and transfer the same to Additional Mahila (Judicial Magistrate) of Erode.

For Petitioner : Mr.B.Mohan

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor
for R1

Mr.D.Selvam for R2

ORDER

This petition has been filed seeking for the transfer of the case pending in C.C.No.454 of 2023, before the Additional Mahila Court (Judicial Magistrate) Coimbatore to the Additional Mahila Court (Judicial Magiste) Egmore.



2. When the matter came up for hearing on 6.2.2024, this Court passed the following order:

Mr.A.Damodaran, learned Additional Public prosecutor takes notice for 1st respondent. Notice to the 2nd respondent returnable by 27.02.2024. Private notice is also permitted.

2. The main ground that has been urged by the petitioner is that the 2nd respondent is an Advocate in the local Bar and that he is wielding a lot of influence and therefore, the petitioner apprehends that she will not get justice if the case is conducted at Coimbatore and therefore, the petitioner is seeking for transfer of the case to Erode. A prima facie case has been made out. The final orders will be passed after the 2nd respondent enters appearance.

3. Post this case under the caption for orders on 27.02.2024.

3. The 2nd respondent has filed a counter affidavit. He has stated that the entire criminal proceedings that has been initiated against the 2nd respondent is attended with malafides and it is a false case foisted against the 2nd respondent. The 2nd respondent has further stated that the petitioner is contesting the other cases only at Coimbatore and therefore for the present case, the petitioner cannot seek for transferring to some other District. The 2nd respondent has therefore sought for the dismissal of this petition.

4. Heard Mr.B.Mohan, learned counsel for the petitioner, Mr.A.Damodaran, learned Additional Public Prosecutor for R1 and Mr.D.Selvam, learned counsel for

R2.



5. In the considered view of this Court, this Court does not want to go into any of the allegations made against the petitioner and the 2nd respondent. The Court must only see if there is any reasonable apprehension in the mind of the petitioner for conducting the case at Coimbatore. It is an admitted fact that the 2nd respondent is a practicing advocate at Coimbatore and he is regularly appearing before various Courts in Coimbatore and particularly before the Courts in the combined Court building. Hence, in order to ensure that the trial is conducted in a neutral place without giving rise to any apprehension against the 2nd respondent being a practicing advocate at Coimbatore, this Court is inclined to transfer this case from the file of the Additional Mahila Court (Judicial Magistrate) Coimbatore.

6. The learned Additional Public Prosecutor on instructions submitted that the trial is yet to commence in this case. This is one more factor which can be taken into consideration and the trial can go on before the transferee Court.

7. In the light of the above discussion, the case that is pending on the file of the Additional Mahila Court (Judicial Magistrate) Coimbatore in C.C.No.454/2023 is withdrawn and transferred to the file of the Additional Mahila Court (Judicial Magistrate) at Tiruchirappalli. The case papers shall be immediately transmitted to the Additional Mahila Court (Judicial Magistrate) at Tiruchirappalli. On receipt of the same, a new number shall be assigned and a date shall be fixed for the commencement of the trial. The Court shall ensure that the proceedings are completed within a period of six months thereafter.



This Criminal original petition is disposed of with the above directions.

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
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To

1. The Inspector of Police
All Women Police Station (Central)
Coimbatore District.
2. Additional Mahila (Judicial Magistrate)
Coimbatore.
3. Additional Mahila Court (Judicial Magistrate)
Tiruchirappalli.
5. The Public Prosecutor,
High Court of Madras,
Madras.



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N. ANAND VENKATESH,, J.

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