



Crl.O.P.No.26017 of 2023 etc

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE :24.01.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.Nos.26016, 26017, 26019, 26020 &27456 of 2023

and

Crl.M.P.Nos.18090, 18093, 18099, 18096 & 19097 of 2023

Karthick

... Petitioner in all Crl.O.Ps

Vs.

Yogesh Babu

... Respondent in Crl.O.P.Nos.26016 & 26017/2023

Sakthivel

... Respondent in Crl.O.P.No.26019/2023

Balakandhavel

... Respondent in Crl.O.P.No.26020/2023

Common Prayer: These Criminal Original Petition are filed under Section 482 of Cr.P.C. to withdraw the C.C.No.123, 152, &121 of 2022 and 76 of 2023 & C.C.No.151 of 2022 pending on the file of the Judicial Magistrate Court II, Madurantakam and transfer the same to the Judicial Magistrate, Vandavasi.

For Petitioner : Ms.V.Kaaviya in all Crl.O.Ps.,

For Respondent : Mr.D.Selvam in



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COMMON ORDER

These petitions have been filed seeking for transfer of the calender case in C.C.No.123, 152, &121 of 2022 and 76 of 2023 & C.C.No.151 of 2022, on the file of the Judicial Magistrate Court II, Madurantakam to the file of the Judicial Magistrate, Vandavasi.

2. Heard Ms.V.Kaaviya learned counsel appearing for the petitioner and Mr.D.Selvam, learned counsel appearing for the respondent in Crl.O.P.Nos.26016, 26017, 26019&26020/ 2023.

3. The main ground that has been raised seeking for transfer is that the complainant in each case is threatening the petitioner and his counsel whenever they attended the Court proceedings. Therefore, the petitioner apprehends that he will not get fair justice before the Court and that he will not be able to effectively defend himself in the case. Therefore, the petitioner has approached this Court and sought for transfer of the case to the file of the Judicial Magistrate, Vandavasi.



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4. The learned counsel appearing for the respondent in CrI.O.P.Nos.26016, 26017, 26019 & 26020 of 2023 submitted that in three cases, it is at the stage of cross examination of PW-1 and one other case is at the stage of final arguments.

5.The learned counsel appearing for the respondent submitted that the respondent undertakes not to cause any threat either to the petitioner or to the counsel and that the proceedings will continue in a smooth manner in accordance with law.

6.In the considered view of this Court, the undertaking given by the learned counsel appearing for the respondent is recorded and a further direction is issued to the learned Judicial Magistrate No.II, Madurantakam, to ensure that neither the petitioner nor the counsel are put to any threat or embarrassment. The Court shall ensure that the proceedings are conducted in a smooth manner. If any such threat continues, the learned Judicial



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Magistrate No.II Madurantakam, is directed to initiate action against the concerned persons. This safeguard will sufficiently take care of the apprehension raised by the petitioner in all these cases.

7.In the light of the above discussion, these Criminal Original Petitions are disposed of with a direction to the learned learned Judicial Magistrate No.II, Madurantakam to dispose of the calender cases in C.C.No.123, 152, &121 of 2022 and 76 of 2023 & C.C.No.151 of 2022, within a period of four (4) months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

24.01.2024

Index :Yes/No
Internet:Yes
Speaking Order/Non-speaking Order
pbn



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To
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Judicial Magistrate Court II, Madurantakam



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N.ANAND VENKATESH,J.

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