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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P. No.3144 of 2024
and CrI.M.P. Nos.2298 & 2299 of 2024

M.Thamilarasi

...Petitioner

Vs

N.Saroja

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to withdraw and transfer the STC.No.371/2023 on the Judicial Magistrate, Paramathi, Namakkal District to Fast Track Court/Judicial Magistrate, Karur District.

For Petitioner : Mr.M.Santhanaraman

ORDER

This criminal original petition has been filed seeking for transfer of the case in STC.No.371 of 2023, pending on the Judicial Magistrate, Paramathi, Namakkal District to Fast Track Court/Judicial Magistrate, Karur District.



2.This Court has carefully considered the submissions made by the learned counsel for the petitioner and the materials available on record.

3.The petitioner is seeking for transfer mainly on the ground that she is working as a Headmistress in a Government Aided Elementary School in Pugalur and that both the petitioner as well as the respondent are permanent residents of Pugalur, Karur District and whereas, the case has been instituted before the learned Judicial Magistrate, Paramathi. Hence, the petitioner had to travel every time 50 Km to attend the hearing.

4.In the considered view of this Court, there is no need to transfer the case. It is left open to the petitioner to file an application under Section 205 of Cr.P.C., to dispense with her appearance and to permit the petitioner to be represented through a counsel. If such an application is filed, the Court below can consider taking a bond from the petitioner under Section 88 of Cr.P.C., and direct the petitioner to appear as and when required and to appear at the time of questioning under Section 313 of Cr.P.C, and at the time of final hearing. This direction will sufficiently take care of the grievance expressed by the petitioner.



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5. This criminal original petition is disposed of with the above directions.

Consequently, connected miscellaneous petitions are closed.

15.02.2024

Index : Yes/No

Speaking order: Yes/No

Neutral citation: Yes/No

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To

1. The Judicial Magistrate, Paramathi, Namakkal District.
2. The Fast Track Court/Judicial Magistrate, Karur District.
3. The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J

SSI

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