



Crl.O.P.(MD)No.17968 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.17968 of 2024

and

Crl.M.P.(MD)No.11109 of 2024

V.Ramkumar

... Petitioner

Vs.

1.State rep by
The Inspector of Police,
Peravurani Police Station,
Thanjavur District.
(Crime No.6 of 2013)

2.C.Selvarasu

3.C.Veerappan

4.G.Ashok

5.P.Nagooran

6.P.Kumaravel

7.P.Neelakandan

8.S.Vaithiyalingam



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9.V.Kalimuthu

10.M.Sagadevan

11.P.Neelkandan

12.S.Ramamoorthi

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records relating to the impugned order dated 25.09.2024 made in Tr.Cr.M.P.No.1641 of 2024 on the file of the learned Principal Sessions Judge, Thanjavur and set aside the order and allow the criminal original petition.

For Petitioner : Mr.V.S.Kumara Guru

For R1 & R2 : Mr.P.Kottai Chamy
Government Advocate (Crl. Side)

ORDER

The Criminal Original Petition is directed against the order dated 25.09.2024 in Tr.Cr.M.P.No.1641 of 2024 passed by the learned Principal Sessions Judge, Thanjavur.

2. It is evident from the records that on the basis of the complaint given by the petitioner, FIR came to be registered on Crime No.6 of 2013 against 11 persons, that the first respondent, after completing the



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investigation, has filed a final report against 9 persons excluding two advocates and the case was taken on file in C.C.No.107 of 2017 and the same was transferred from the Judicial Magistrate, Pattukottai to the District Munsif cum Judicial Magistrate, Peravurani and is now pending in C.C.No.99 of 2022 and that thereafter the petitioner has filed a protest petition and is pending in Crl.M.P.No.38 of 2019.

3. The learned counsel appearing for the petitioner would submit that since the respondents in the protest petition are advocates, there is no progress in the protest petition itself and is pending for the past more than four years and that the learned Principal Sessions Judge, without considering the above aspects, has dismissed the transfer application.

4. As rightly contended by the learned Government Advocate (Criminal Side), considering the facts and circumstances, the learned Principal Sessions Judge has rightly dismissed the transfer application.

5. However, considering the fact that the protest petition is pending from 2019 onwards, the learned Judicial Magistrate, Peravurani



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is directed to conduct enquiry in the protest petition in Crl.M.P.No.38 of 2019 and dispose of the same within a period of one month from the date of receipt of a copy of this order.

6. With the above direction, this Criminal Original Petition stands disposed of. Consequently, connected Miscellaneous Petition is closed.

21.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
csm

To

- 1.The Principal Sessions Judge,
Thanjavur.
- 2.The Judicial Magistrate,
Peravurani.
- 3.The Inspector of Police,
Peravurani Police Station,
Thanjavur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
Crl.O.P.(MD)No.17968 of 2024
and
Crl.M.P.(MD)No.11109 of 2024

Dated: 21.10.2024