



Crl.O.P.No.2283 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.2283 of 2023
and Crl.M.P.No.1250 of 2023

K.Malarkodi

... Petitioner

Vs.

C.Shobanavalli

... Respondent

Prayer: Criminal Original petition filed under Section 407 of Code of Criminal Procedure, to withdraw DVC No.42 of 2022 from the learned Judicial Magistrate-I, Tambaram and transfer the same to the file of the learned Judicial Magistrate-IV, Tuticorin.

For Petitioner : Mr.S.Ram Prasad

For Respondent : Mr.L.Poovendra Perumal

ORDER

This petition has been filed to transfer the case in DVC No.42 of 2022 from the file of the learned Judicial Magistrate-I, Tambaram, to the file of the learned Judicial Magistrate-IV, Tuticorin.



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2. The petitioner is an accused on the complaint lodged by the respondent in D.V.C.No.42 of 2022 on the file of the learned Judicial Magistrate-I, Tambaram. The petitioner is already facing trial on the complaint lodged by the respondent in C.C.No.630 of 2022 on the file of the Judicial Magistrate No.IV, Tuticorin. Therefore, the petitioner sought for direction to transfer the trial pending before the learned Judicial Magistrate No.I, Tambaram to the file of the learned Judicial Magistrate No.IV, Tuticorin.

3. The petitioner is the mother-in-law of the respondent. Though the respondent is a victim in C.C.No.630 of 2022, she need not to appear on all hearing before the learned Judicial Magistrate No.IV, Tuticorin, to proceed with the trial. The petitioner is being an accused, she has to appear before the trial Court on all hearing. The respondent is also lodged complaint in D.V.C.No.42 of 2022 and it is pending on the file of the learned Judicial Magistrate No.I, Tambaram. Therefore, the petitioner has no say from choosing the Court to attend the trial.

4. This Court finds no ground to transfer the complaint lodged by the respondent in D.V.C.No.42 of 2022 from the file of the learned



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Judicial Magistrate No.I, Tambaram to the file of the learned Judicial Magistrate No.IV, Tuticorin. However, the learned Judicial Magistrate No.I, Tambaram, is directed to dispose the complaint in D.V.C.No.42 of 2022 within a period of six months from the date of receipt of a copy of this order. Considering the age of the petitioner, the personal appearance of the petitioner is dispensed with and she shall be represented by a counsel after filing appropriate application. The petitioner shall be present before the Court below at the time of furnishing of copies, framing charges, questioning under Section 313 Cr.P.C., and at the time of passing judgment.

5. Accordingly, the Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

03.02.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

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G.K.ILANTHIRAIYAN, J.

rts

To

1. Judicial Magistrate-I,
Tambaram

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03.02.2025