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CrI.O.P.No.16522 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2025

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.16522 of 2024

and

CrI.M.P.No.10013 of 2024

S.Sivakumar

.. Petitioner

Vs.

1.State

Represented by,
The Inspector of Police,
T-12, Poonamallee Police Station,
Chennai – 600 087.

2.G.A.Girija

.. Respondents

Prayer: Criminal Original Petition filed under Section 528 of BNSS, 2023, praying to set aside the order dated 28.06.2024 passed by the learned District & Sessions Judge, Tiruvallur, in Tr.C.M.P.No.820 of 2024.

For Petitioner	:	Mr.B.Harikrishnan
For R1	:	Mr.S.Sugendran Additional Public Prosecutor
For R2	:	Mr.P.S.Sidharthan for Mr.Louisal Ramesh



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ORDER

This Criminal Original Petition has been filed challenging the order passed in Tr.C.M.P.No.820 of 2024 on the file of the Principal District and Sessions Judge, Tiruvallur, and thereby transferred C.C.No.50 of 2013 from the file of the learned Judicial Magistrate No.II, Poonamallee to the file of the learned Judicial Magistrate at Ambattur.

2.The petitioner is an accused in the complaint lodged by the 2nd respondent. The 2nd respondent filed an application before the District Court for transfer of entire trial in C.C.No.50 of 2013 from the file of the learned Judicial Magistrate No.II, Poonamallee, to any other Court within the same District.

3.On the complaint lodged by the 2nd respondent, the 1st respondent registered an FIR and filed final report in Crime No.1552 of 2012 for the offences punishable under Section 294(b) & 506(ii) of IPC. The same has been taken cognizance in C.C.No.50 of 2013. After examining P.W.1 to P.W.4, the 2nd respondent filed a petition for seeking transfer on the ground that she was not served with any summons to examine her.



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Therefore, the District Court allowed the application and transferred the entire trial in C.C.No.50 of 2013 from the file of the learned Judicial Magistrate No.II, Poonamallee, to the file of the Judicial Magistrate Court at Ambattur, which has been challenged now by the petitioner herein on the ground that though the 2nd respondent was served with summons, she failed to appear before the trial Court for evidence. Though the 2nd respondent filed an application to assist the prosecution under Section 302 of Cr.PC and the same was dismissed and no appeal has been preferred by the 2nd respondent. Now, another case is pending on the file of the learned Judicial Magistrate No.I, Poonamallee, as against the very same petitioner in C.C.No.5 of 2013 and it is pending for trial.

4.Both the petitioner and the 2nd respondent agreed to conduct the trial before the learned Judicial Magistrate No.I, Poonamallee, Tiruvallur District. In view of the above, the order passed by the learned District & Sessions Judge, Tiruvallur, in Tr.C.M.P.No.820 of 2024, dated 28.06.2024 is set aside. The entire trial proceedings in C.C.No.50 of 2013 is hereby withdrawn from the file of the learned Judicial Magistrate No.II, Poonamallee and transferred the same to the file of learned



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Judicial Magistrate No.I, Poonamallee, Tiruvallur District.

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5.It is made clear that the learned Judicial Magistrate No.I, Poonamallee, Tiruvallur District, is directed to conduct simultaneous trial in C.C.No.50 of 2013 and C.C.No.5 of 2013 and complete the trial in both the cases within a period of three (3) months from the date of receipt of a copy of this order. The petitioner and the 2nd respondent are directed to cooperate for the trial before the trial Court.

6.In the result, this Criminal Original Petition is allowed. Consequently, the connected miscellaneous petition is closed.

17.02.2025

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No



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To
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- 1.The Judicial Magistrate No.I,
Poonamallee, Tiruvallur District.
- 2.The Judicial Magistrate No.II,
Poonamallee, Tiruvallur District.
- 3.The Judicial Magistrate,
Ambattur.
- 4.State
Represented by,
The Inspector of Police,
T-12, Poonamallee Police Station,
Chennai – 600 087.
- 5.The Public Prosecutor,
Madras High Court, Chennai.

G.K.ILANTHIRAIYAN, J.



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