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Crl.O.P.No.18452 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2025

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.18452 of 2024
and CMP.No.10935 of 2024

Dr.S.Senthilkumar

...Petitioner

Vs

N.Krishnan

...Respondent

Prayer: Criminal Original Petition is filed under Section 407 of Code of Civil Procedure, to withdraw the case in C.M.P.No.120 of 2024 on the file of the learned Judicial Magistrate No.1, Namakkal and transfer the same to any other Court of competent jurisdiction at Salem.

For Petitioner : Mr.M.Neelakandan

ORDER

This Criminal Original Petition has been filed to withdraw the case in C.M.P.No.120 of 2024 on the file of the learned Judicial Magistrate No.1, Namakkal and transfer the same to any other Court of competent jurisdiction at Salem.



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2. The learned counsel for the petitioner submitted that the respondent is a practicing advocate in the Judicial Magistrate Court No.1, Namakkal and that he is an influential person at the Bar and would disrupt the proper functioning of the Court if any adverse order are to be passed against him. He further submitted that there is every possibility that the respondent and his associates would intimidate the witnesses appearing against him. The petitioner had also given a complaint to the Bar Council. Therefore he sought for transfer of C.M.P.No.120 of 2024 from the file of the learned Judicial Magistrate No.1, Namakkal to any other Court at Salem.

3. Heard the learned counsel appearing on either side and perused the materials available on record.

4. On perusal of the records, admittedly the petitioner has lodged a complaint against the respondent and the same was taken up on file in CMP.No.120 of 2024. However so far sworn statement in support of his complaint was not recorded. Therefore only after taking cognizance in the complaint lodged by the petitioner the presence of the respondent would arise. After taking cognizance in the complaint made



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by the petitioner, the same will be decided. Therefore, influence of interference of the respondent does not arise before the Judicial Magistrate No.I, Namakkal. Though the respondent is prosecuting in the same Court it does not mean he would interfere with the complaint filed by the petitioner. That apart, on the complaint lodged by the petitioner as against the respondent before the Bar Council of Tamil Nadu & Puducherry, the Registrar of the Disciplinary Committee, vide order dated 02.01.2025, has dismissed the complaint with cost of Rs.1,00,000/- payable by the petitioner to the Bar Council within a period of one month.

5. In view of the above, this Court finds no ground to interfere with the transfer of CMP.No.120 of 2024 from the file of the learned Judicial Magistrate No.I, Namakkal to some other Court at Salem. If the petitioner cooperates to appear for recording sworn statement, the learned Judicial Magistrate No.I, Namakkal is directed to dispose of the complaint within a period of eight weeks from the date of receipt of a copy of this order.

6. Accordingly, the criminal original petition stands dismissed.



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Consequently, connected miscellaneous petition is also closed.

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dpq
Index: Yes/No
Internet: Yes/No

To
1. The Judicial Magistrate No.1,
Namakkal



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G.K. ILANTHIRAIYAN, J.

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