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CrI.O.P.No.30857 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CrI.O.P.No.30857 of 2024

R.Mohamed Rafeek

... Petitioner

Vs.

N. Prabhakaran

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C./ 528 BNSS 2023, to call for the records and set aside the order dated 25.11.2024 passed in CrI.M.P.No.66862 of 2024 on the file of the Chief Metropolitan Magistrate, Egmore, Chennai and either transfer the C.C.No.946 of 2021, C.C.No.947 of 2021, C.C.No.948 of 2021 and C.C.No.950 of 2021 pending on the file of the learned III Metropolitan Magistrate, George Town, Chennai to the file of the XVI Small Causes Court, Chennai or transfer S.T.C.No.363 of 2022 on the file of the XVI Small Causes Court, Chennai to the file of the learned III Metropolitan Magistrate, George Town, Chennai.

For Petitioner : Mr.Y.Mohamed Ghouse

For Respondent : Mr.N.Baskaran



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ORDER

WEB COPY This Criminal Original Petition is to set aside the order dated 25.11.2024 passed in Crl.M.P.No.66862 of 2024 on the file of the Chief Metropolitan Magistrate, Egmore, Chennai or transfer C.C.No.946 of 2021, C.C.No.947 of 2021, C.C.No.948 of 2021 and C.C.No.950 of 2021 pending on the file of the learned III Metropolitan Magistrate, George Town, Chennai to the file of the XVI Small Causes Court, Chennai or transfer S.T.C.No.363 of 2022 on the file of the XVI Small Causes Court, Chennai to the file of the learned III Metropolitan Magistrate, George Town, Chennai.

2. It is seen from the records that the Court below has dismissed the petition in Crl.M.P.No.66862 of 2024 on the ground that evidence has been recorded by the III Metropolitan Magistrate in four of the cases i.e, C.C.No.946 of 2021, C.C.No.947 of 2021, C.C.No.948 of 2021 and C.C.No.950 of 2021. Further, C.C.No.949 of 2021 was already transferred to XVI Small Causes Court, Chennai and the same was taken on file in S.T.C.No.363 of 2022 and it has reached its finality and hence it would not be appropriate at this stage to transfer the cases and it should



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be tried by the same Magistrate, who recorded the evidence.

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3. This Court does not find any infirmity in the order passed by the Court below. Therefore, the petitioner is at liberty to work out his remedy in a manner known to law.

4. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

09.01.2025

Index : Yes/No
Neutral Citation Case : Yes/No
Speaking Order : Yes/No
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To

1. The Chief Metropolitan Magistrate,
Egmore, Chennai.

2. The XVI Small Causes Court,
Chennai.



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P.VELMURUGAN, J

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