



Crl.O.P(MD)No.2168 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2025

CORAM

THE HONOURABLE MR.JUSTICE P.DHANABAL

Crl.O.P(MD)No.2168 of 2025

and

Crl.M.P(MD)No.1496 of 2025

B.Mohamed Kalifullah

... Petitioner

Vs.

1.P.S.Sharfudeen

2.S.Ariven Nisha

3.Sahida Alias A.Sahitha Begam

4.Subi Alias S.Sueriya Begam

5.Saibunisha

6.N.S.Elango

... Respondents

Prayer : Criminal Original Petition filed under Section 447 of B.N.S.S Act, 2023 to transfer the case in C.C.No.452 of 2017 on the file of the Hon'ble Judicial Magistrate No.II, Dindigul to any other nearby Districts and pass such further or other orders as this Court.



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For Petitioner : Mr.M.Sheik Abdullah

For Respondents : No appearance

ORDER

This Criminal Original Petition is filed by the petitioner to transfer the case in C.C.No.452 of 2017 on the file of the Hon'ble Judicial Magistrate No.II, Dindigul to any other nearby Districts.

2. When the matter is taken up for hearing, the learned Counsel appearing for the petitioner would submit that the petitioner is facing trial in C.C.No.452 of 2017 and already filed petition to dispense with personal appearance. While so, the proceedings of the Court are purportedly recorded with false information to change the track of the case adverse to the petitioner. The petitioner being a complainant in the case and is practicing law in various Courts has already filed petition under Section 279 of B.N.S.S Act, 2023 for dispense with personal appearance and represents through the Counsel. While so, in the business of the Court for 20.01.2025 recorded that the "complainant absent for long time", "No representation, and "appearance of the complainant,



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otherwise case will be dismissed". Moreover, the Counsel appearing for the petitioner is physically deterred from filing necessary petitions on behalf of the complainant. Therefore, filed this petition to transfer the case.

3. Considering the nature of the prayer in the petition, this Court perused the records and there are no grounds to entertain the petition to transfer the case. Hence without issuing notice to the respondents, this Court can dispose of the petition in the admission stage itself.

4. Since there is no any valid ground to transfer the case, this Court is declined to pass order to transfer the case and the present petition is liable to be dismissed, however, considering long pendency of the case (i.e.,) pending from 2017, it is appropriate to direct the learned Magistrate to complete the trial proceedings within a period of four (4) months from the date of receipt of copy of this order and the petitioner is also directed to cooperate for speedy disposal of the case without causing any delay on his part.



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5. With the above said observation, this Criminal Original Petition stands dismissed. Consequently, connected Miscellaneous Petition stands closed.

03.02.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

The Judicial Magistrate No.II,
Dindigul.



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P.DHANABAL, J.

BTR

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