

Crl.O.P.(MD).No.2467 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 10.02.2025

CORAM

THE HONOURABLE **MR.JUSTICE P.DHANABAL**

Crl.O.P(MD)No.2467 of 2025
and
Crl.M.P.(MD).Nos.1685 & 1687 of 2025

K.Rafeek @ Ravi

... Petitioner

Vs

K.Mathivanan

... Respondent

PRAYER: Criminal Original petition filed under Section 528 of BNSS Act, to transfer the case in S.T.C.No.371 of 2024 pending on the file of the Fast Track Magistrate Court at Karur to Judicial Magistrate Court, Trichy or any other Court at Trichy District.

For Petitioner

: Mr.M.N.Raja Prashanth
for
Mr.K.P.Narayanakumar

For Respondent

: Mr.R.Ilaya Raja



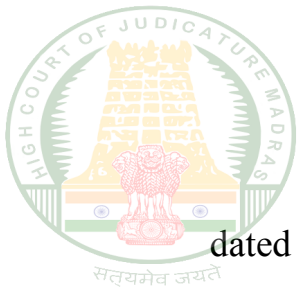
Crl.O.P.(MD).No.2467 of 2025

ORDER

WEB COPY This Criminal Original Petition has been filed by the petitioner to transfer the case in S.T.C.No.371 of 2024 pending on the file of the Fast Track Magistrate Court at Karur to Judicial Magistrate Court, Trichy or any other Court at Trichy District.

2. The learned Counsel appearing for the petitioner would submit that the petitioner is the accused in S.T.C.No.371 of 2024 on the file of Fast Track Magistrate Court, Karur. The petitioner is the native of Trichy and he was affected with cardiac arrest. The petitioner is 60 years old, due to old age ailments and illness, still he is under continuous treatment, and the doctors advised him to avoid long travel. He was unable to appear for every hearing and he finds it very difficult to travel from Trichy to Karur for more than 200 kms. Apart from that the petitioner is also have life threat. Hence, he prays to allow the present petition.

3. The learned Counsel appearing for the respondent would submit that this Court has already directed the trial Court to dispose the said case within a period of five months from the date of receipt of copy of the order



Crl.O.P.(MD).No.2467 of 2025

dated 14.11.2024. Now, the P.W.1 was examined and the case is posted for cross-examination of P.W.1. At this stage, the petitioner filed this present petition to transfer the case to other court. Therefore, this petition is filed only to drag on the proceedings and there is no merits in this petition. Therefore, he prays to dismiss the present petition.

4. Heard both side and perused the available material on record.

5. The petitioner is the accused in STC.No.371 of 2024 on the file of Fast Track Magistrate Court at Karur and he is facing trial of the case. Due to his illness and the old age he was unable to travel from Trichy to Karur and also he has a life threat. Therefore, he filed this petition to transfer the case from Karur to some other Court in Trichy District. The petitioner did not file any documents to substantiate his case, especially for the reason of life threat. The petitioner produced some medical records, however, if the petitioner is unable to travel to Karur, it is for him to approach the concerned trial Court and file appropriate application to dispense with his personal appearance before the trial Court. Already, this Court directed the trial Court to dispose the case within a period of five months. Now, the case



Crl.O.P.(MD).No.2467 of 2025

is posted for cross-examination of P.W.1. At this stage, it is not appropriate

to transfer the case to some other Court.

6. With the above said observations, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed. However, the petitioner is at liberty to file a proper application before the trial Court to dispense with his personal appearance. If, any such application is filed by the petitioner, the trial Court is directed to consider the same on merits and in accordance with law.

10.02.2025

Internet :Yes
Index :Yes/No
NCC :Yes/No
gvn



WEB COPY



Crl.O.P.(MD).No.2467 of 2025

To

Fast Track Magistrate Court at Karur



WEB COPY



Crl.O.P.(MD).No.2467 of 2025

P.DHANABAL, J.

gvn

Crl.O.P(MD)No.2467 of 2025

10.02.2025