

S. Sairam and Others Vs The Inspector of Police and P. Vijayakumar

Court: Madras High Court (Madurai Bench)

Date of Decision: Nov. 25, 2010

Hon'ble Judges: G. Rajasuria, J

Bench: Single Bench

Advocate: G. Thalaimutharasu, for the Appellant; R.M. Anbunithi, Government Advocate (Crl. Side) for R1, for the Respondent

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

G. Rajasuria, J.

This petition has been filed to transfer the case in C.C. No. 126 of 2010 pending on the file of the learned Judicial

Magistrate No. III, Nagercoil, to the file of the learned Judicial Magistrate, Valliyoor.

2. Heard the learned Counsel for the Petitioners and the learned Government Advocate (Criminal Side) for the first Respondent. Despite printing

the name of the second Respondent, there is no representation on behalf of him.

3. The learned Counsel for the Petitioners would submit that the defacto complainant is an advocate and hence, the members of the Kanyakumari

Bar Association are not coming forward to help the accused so as to defend them and accordingly, he prays for transferring the case to the file of

the learned Judicial Magistrate, Valliyoor.

4. Whereas the learned Government Advocate (Criminal Side) would submit that at the most, the case could be transferred to the file of the

learned Judicial Magistrate, Padmanabhapuram, which is within Kanyakumari District.

5. However, the learned Counsel for the Petitioners would submit that Kanyakumari Bar Association is having dominance over the entire

Kanyakumari District and hence, they would not be able to get justice if the case is processed in the said Court.

6. I recollect the maxim, ""It is not enough if justice is done, but it should be seen to be done."" Keeping in mind the said maxim, I am of the view

that the case in C.C. No. 126 of 2010 pending on the file of the learned Judicial Magistrate No. III, Nagercoil, could be transferred to the file of

the learned Judicial Magistrate, Valliyoor.

7. In the result, the case in C.C. No. 126 of 2010 pending on the file of the learned Judicial Magistrate No. III, Nagercoil, is transferred to the file

of the learned Judicial Magistrate, Valliyoor, who shall deal with the matter in accordance with law. Accordingly, this Criminal Original Petition is

disposed of. Consequently, the connected Miscellaneous Petition is closed.