

**(2010) 11 MAD CK 0231**

**Madras High Court (Madurai Bench)**

**Case No:** Criminal O.P. (MD) No. 9012 of 2010 and M.P. (MD) No. 1 of 2010

S. Sairam and Others

APPELLANT

Vs

The Inspector of Police and P.

RESPONDENT

Vijayakumar

**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.