

IN THE COURT OF THE SESSIONS JUDGE,

THIRUVANANTHAPURAM

PRESENT : SMT. NAZEERA.S, SESSIONS JUDGE

Wednesday, 10th day of June, 2026/ 20th day of Jyeshtha, 1948

Crl.M.P(TP). No.5637/2024

(C.C.No.424/2016, pending before the Judicial First Class Magistrate Court-I, Thiruvananthapuram, C.C.No.977/2017, pending before the Judicial First Class Magistrate Court-III, Thiruvananthapuram and C.C.No.900/2017, C.C.No.547/2018 and C.C.No.310/2019, pending before the Judicial First Class Magistrate Court-V, Thiruvananthapuram)

Petitioner:-

Suresh, aged 57 years, S/o Gopalan
residing at Suriya Bhavan,
Pound Kadav, Pallithura Ward,
Attipra Village, Thiruvananthapuram

By Advocate:-Kovalam B Ajith Kumar

Respondents:-

1. State of Kerala
2. Pushpalatha, aged 56 years, D/o Leela,
residing at TC.1/1782, Leelalayam,
VSSC Road, Near Pulimoodu Junction
Kulathoor Ward, Attipra Village

By Public Prosecutor Dr. T. Geenakumary (for R1)

R2 – Party in person

This petition have been heard on 10/06/2026 and the court on the same day passed the following :

ORDER

This is a petition filed under Section 448 of the Bharatiya Nagarik Suraksha

Sanhita, seeking transfer of C.C.No.424/2016, pending before the Judicial First Class Magistrate Court-I, Thiruvananthapuram, C.C.No.977/2017, pending before the Judicial First Class Magistrate Court-III, Thiruvananthapuram and C.C.No.900/2017, C.C.No.547/2018 and C.C.No.310/2019, pending before the Judicial First Class Magistrate Court-V, Thiruvananthapuram to any one of the aforesaid courts.

2. The gist of the averments in the petition is as follows:-

The petitioner is the 2nd accused in C.C. No. 424/2016, in which the offences alleged against him are punishable under Sections 294(b) and 354A(1) read with Section 34 of the Indian Penal Code; the sole accused in C.C. No. 977/2017, in which the offence alleged against him is punishable under Section 294(b) of the Indian Penal Code; the 1st accused in C.C. No. 900/2017, in which the offences alleged against him are punishable under Sections 294(b), 427, and 506(1) of the Indian Penal Code; the 1st accused in C.C. No. 547/2018, in which the offences alleged against him are punishable under Section 506(1) of the Indian Penal Code and Section 118(d) of the Kerala Police Act; and the 1st accused in C.C. No. 310/2019, in which the offences alleged against him are punishable under Sections 294(b) and 506(1) read with Section 34 of the Indian Penal Code. It is submitted that Section 448 of the Bharatiya Nagarik Suraksha Sanhita empowers this Court to transfer cases from one court to another for the convenience of the parties, effective administration of justice, and to avoid delay. No prejudice or

inconvenience would be caused to the complainants in the aforesaid cases by such transfer, as the evidence and witnesses are substantially the same in all the cases and can be examined in a single trial, thereby ensuring fairness to both sides. Hence, this petition is filed to transfer C.C.No.424/2016, C.C.No.977/2017, C.C.No.900/2017, C.C.No.547/2018 and C.C.No.310/2019 to any one of the courts mentioned above for trial and disposal.

3. Notice in this petition is issued to the respondents. Respondent No.1 is served and appeared through Public Prosecutor.

4. The 2nd respondent appeared in person and filed objection, the gist of which is as follows:-

The Transfer Petition has been filed on an experimental basis, without any bona fide intention, merit, or sustainable legal grounds. The petitioner is in inimical terms with the 2nd respondent and her family. The petitioner constructed a three-storied Lodge, namely "Surya Tower," consisting of 33 rooms and 36 toilets near the residence of the 2nd respondent, without complying with the requisite safety measures and in violation of the Kerala Municipality Building Rules. Consequently, the well water of the 2nd respondent become polluted. Thereafter, the 2nd respondent approached the Hon'ble High Court of Kerala, pursuant to which the Lodge conducted by the petitioner remained closed for a considerable period. The 2nd respondent has also instituted civil suits against the petitioner, which are now pending before the Munsiff's Court,

Thiruvananthapuram. All the Magistrate Courts in which the aforesaid cases pending are situated in the same building within the District Court Complex, Vanchiyoore and hence the trial of these cases in different courts will not cause any harm or inconvenience to the petitioner. Hence the 2nd respondent prayed for dismissal of the petition.

5. Received remarks from the courts concerned.

6. Heard. Perused the records.

7. The only point to be considered is

Whether the transfer petition is allowable?

8. **The Point:-** The petitioner is seeking transfer of five cases pending before various Magistrate Courts in Thiruvananthapuram to a single court as the complainant and the accused in all these cases are the same. The petitioner is the accused in all these cases, which is registered on the basis of the complaints given by the 2nd respondent herein. The 2nd respondent has stated in her objection that the petitioner had constructed an illegal three-storied Lodge causing hardships and difficulties to the peaceful living of the 2nd respondent and so, she was compelled to file various complaints. It is seen that all the five cases referred to by the petitioner were registered against him alleging commission of the offences mentioned therein on different dates and at different places. So the alleged incident in all these cases

are different and the nature of allegation is also different. The only common factor is the parties. Having found that the act leading to the alleged offences in each of these five cases have occurred on various dates at different places, I find no merit in this petition to consider all these cases in a single court. Further, it is seen from the report filed by the courts concerned that charge has been framed in many of these cases and trial was scheduled. So it is not appropriate to transfer these cases from the courts in which it is pending trial.

In view of my discussion made above, the petition is liable to be dismissed and I do so.

Dictated to the Confidential Assistant, transcribed and typed by him, corrected and pronounced by me in Open Court on this the 10th day of June, 2026.

**Sd/-
NAZEERA.S
SESSIONS JUDGE**

APPENDIX : Nil

**Id/-
SESSIONS JUDGE
(By Order)**

(Copies : 5)
Typed by : Soumya
Compared by : Rifa

//True copy//

FCS :

SHERISTADAR

Copy of Order in
Crl.M.P.(TP) No.5637/2024
Dated :10/06/2026
