

**In the Court of the Principal District and Sessions Judge,
Virudhunagar District at Srivilliputtur**

**Present: Thiru.A.Kanthakumar, M.L.,
Principal District and Sessions Judge**

Monday, this the 13th day of July 2026

Tr.Cr.M.P.No.1085/2026

CNR No. TNVR01-001951-2026

P.Manikandan, age -50,

S/o. Pandian,

760A,Thirupathi Nagar,

Thiruthangal Post,

Sivakasi Taluk,

Virudhunagar District.

...Petitioner/1st accused

/ Vs /

1)R.Ramasamy, age -48,

S/o.Ramasubbu,

Door No.2/8, Middle Street,

Aamathur Post,

Virudhunagar Taluk and District.

.. 1st respondent/
defacto complainant

2) State through Inspector of Police,

Virudhunagar West Police Station,

Virudhunagar

... 2nd Respondent/complainant

This petition came before me for final hearing on 07.07.2026 in the presence of Tr.S.Premanand Advocate for the petitioner/A1 and Tr.K.Jeyaram, Advocate for the 1st respondent, and upon hearing arguments of both side and perusing the records and having stood over

for consideration till this day, this Court delivered the following,

ORDER

This Criminal Transfer Petition has been filed by the petitioner/A1 seeking the transfer of C.C. No.211 of 2020, pending on the file of the learned Judicial Magistrate No.I, Virudhunagar, to any other competent Court within the Sessions Division at Srivilliputtur or, alternatively, to the jurisdictional Court at Sivakasi.

2) Petition averments in brief:

i) The petitioner/A1 states that, on the basis of the complaint lodged by the defacto complainant, namely, Ramasamy, before the Superintendent of Police, Virudhunagar, on 20.03.2017, a case in Crime No.381 of 2017 came to be registered by the Virudhunagar West Police Station for the offences punishable under Sections 406, 420 and 506(i) of IPC. After completion of investigation, final report was filed and the same was taken on file as C.C.No.211 of 2020 by the learned Judicial Magistrate No.I, Virudhunagar, and the case is pending for trial.

ii) The petitioner contends that the defacto complainant, who was working as a Conductor in the Tamil Nadu State Transport Corporation, along with his relatives and friends, had purchased several plots from the real estate business conducted by the petitioner

during the period between 2007 and 2017. According to the prosecution, though sale deeds were executed in respect of about 170 plots, the petitioner failed to execute sale deeds in respect of the remaining 80 plots despite receiving the sale consideration and thereby cheated the purchasers. It is further alleged that when the defacto complainant demanded repayment of the amount, the petitioner criminally intimidated him.

iii) The petitioner further contends that Accused Nos.2 to 6 were not named in the original complaint dated 20.03.2017 and that they were subsequently implicated without any specific allegations.

iv) According to the petitioner, the statements of the prosecution witnesses (L.Ws.1 to 12) recorded under Section 161 Cr.P.C. and the evidence of P.Ws.1 to 4 before the Trial Court disclose that the defacto complainant and the other witnesses had gone to the petitioner's residence at Thiruthangal to demand either the execution of the sale deeds or repayment of the sale consideration, and that the alleged refusal to execute the sale deeds, the demand for repayment of the sale consideration and the alleged criminal intimidation took place at the said place.

v) The petitioner further states that the original complaint does

not disclose the place, date or time of occurrence and that the petitioner contends that the materials available on record establish that the alleged occurrence had taken place within the jurisdiction of Thiruthangal Police Station and therefore, the learned Judicial Magistrate No.I, Virudhunagar has no territorial jurisdiction to try the case.

vi) The petitioner also alleges that the defacto complainant and his supporters are continuously threatening and intimidating him and his family members inside and outside the Court premises on every hearing date and therefore, he has a reasonable apprehension that he would not receive a fair and impartial trial before the learned Judicial Magistrate No.I, Virudhunagar. Hence, the petitioner seeks transfer of C.C.No.211 of 2020 pending on the file of the learned Judicial Magistrate No.I, Virudhunagar, to any other competent Court within the Sessions Division at Srivilliputtur or, alternatively, to the jurisdictional Court at Sivakasi. Hence he prays to allow this petition.

3)Brief averments of the Counter filed by the 1st Respondent:

The 1st respondent/defacto complainant has denied all the allegations, averments and contentions raised by the petitioner as

false, baseless and legally unsustainable, except those specifically admitted. The 1st respondent contends that the allegation of the petitioner that the entire cause of action arose only within the jurisdiction of Thiruthangal Police Station and that the learned Judicial Magistrate No.I, Virudhunagar lacks territorial jurisdiction is false and incorrect. The 1st respondent states that the complaint was lodged before the Superintendent of Police, Virudhunagar, on 20.03.2017, based on which the case was registered by the Virudhunagar West Police Station. It is further stated that the financial transactions, collection of money from the public and the alleged fraudulent representations made by the accused in connection with the real estate business had taken place within the jurisdiction of Virudhunagar West Police Station. The 1st respondent further submits that the petitioner has suppressed the progress of the trial and has approached this Court only with an intention to delay the proceedings. It is stated that the case has been pending from the year 2020 and that P.W.1 to P.W.4 have already been examined and cross-examined by the defence. According to the 1st respondent, the present Transfer Petition filed at the advanced stage of trial is only an attempt to delay the proceedings and derail the progress already made in the

trial. The allegation that the defacto complainant and his supporters are threatening the petitioner and his family members during every hearing date has been specifically denied. It is contended that no complaint has been lodged before any authority regarding such alleged threats and the said allegation has been made only as an afterthought. The 1st respondent further submits that the complainant and the prosecution witnesses are residents of Virudhunagar Taluk and surrounding areas and that transfer of the case at this stage would cause serious hardship and inconvenience to them. Hence he prays to dismiss this petition.

4) No oral and documentary evidences let in on either side.

5) Now, the point for consideration is that whether the petition deserves to be allowed or not?

Answer to the point:-

6) This Court has carefully considered the submissions made on either side and perused the entire materials available on record.

7) The principal ground urged by the petitioner for seeking transfer of C.C.No.211 of 2020 is that the alleged occurrence took place within the territorial jurisdiction of Thiruthangal Police Station and, therefore, the learned Judicial Magistrate No.I, Virudhunagar,

lacks territorial jurisdiction to try the case. According to the petitioner, the statements of L.Ws.1 to 12 recorded under Section 161 Cr.P.C. and the evidence of P.Ws.1 to 4 disclose that the dispute relating to the execution of the sale deeds, the demand for repayment of the sale consideration and the alleged criminal intimidation took place at the petitioner's residence situated within the limits of Thiruthangal Police Station. On that basis, the petitioner seeks transfer of the case to the jurisdictional Court at Sivakasi.

8) The question that arises for consideration is whether the objection regarding territorial jurisdiction constitutes a valid ground for transfer of the case. It is well settled that the issue relating to territorial jurisdiction is to be determined in accordance with the provisions of the Code of Criminal Procedure, the pleadings of the parties, the evidence adduced during trial and the materials available on record. Therefore, the mere assertion that the occurrence took place within the jurisdiction of Thiruthangal Police Station cannot, by itself, constitute a valid or sufficient ground for transferring the case.

9) It is not in dispute that the complaint was submitted before the Superintendent of Police, Virudhunagar, pursuant to which Crime No.381 of 2017 was registered by the Virudhunagar West Police

Station. Upon completion of the investigation, the final report was filed before the learned Judicial Magistrate No.I, Virudhunagar. In exercise of the powers conferred under Section 190(1)(b) of the Code of Criminal Procedure, the learned Magistrate took cognizance of the offences on the basis of the police report and commenced the trial. Though P.Ws.1 to 4 have stated during trial that the alleged occurrence took place at the petitioner's residence situated within the jurisdictional limits of Thiruthangal Police Station, the first respondent has specifically stated in the counter affidavit that the financial transactions, collection of money from the public and the alleged acts of cheating relating to the real estate business took place within the jurisdiction of the Virudhunagar West Police Station. Therefore, the objection relating to territorial jurisdiction is a matter to be decided in accordance with law and cannot, at this stage, by itself, justify transfer of the case.

10) The petitioner has also referred to Section 186 of the Code of Criminal Procedure. Section 186 Cr.P.C. applies only in cases where two or more Courts have taken cognizance of the same offence and a question arises as to which of those Courts should inquire into or try the offence. In such circumstances, the High Court is

empowered to determine the Court which shall proceed with the inquiry or trial. In the present case, no such situation arises, since the final report was filed only before the learned Judicial Magistrate No.I, Virudhunagar, who alone has taken cognizance of the offences and commenced the trial. Therefore, Section 186 Cr.P.C. has no application to the facts of the present case.

11) It is also evident from the records that the trial has substantially progressed. The case has been pending since the year 2020 and P.Ws.1 to 4 have already been examined and cross-examined. Transfer of the case at this advanced stage, without any compelling or exceptional circumstance, would inevitably delay the disposal of the case and cause unnecessary inconvenience to both parties. The proceedings already completed before the Trial Court cannot be lightly ignored.

12) The petitioner has further alleged that the defacto complainant and his supporters have been threatening and intimidating him and his family members on every hearing date and, therefore, he apprehends that he may not receive a fair and impartial trial before the learned Judicial Magistrate No.I, Virudhunagar. However, no acceptable material has been placed before this Court to substantiate

the said allegation. There is also nothing on record to show that the petitioner had lodged any complaint either before the Trial Court or before the police authorities regarding such alleged threats. Likewise, the allegations relating to repayment of money are matters forming part of the issues involved in the pending calendar case and are to be decided during the course of trial. Mere apprehension, unsupported by any acceptable material, cannot constitute a valid ground for transfer of a criminal case.

13) It is well settled that the power to transfer a criminal case is an extraordinary and discretionary power, to be exercised sparingly and only when such transfer is necessary to secure the ends of justice or to ensure a fair and impartial trial. The petitioner has failed to place any convincing material before this Court to establish that he would not receive a fair and impartial trial before the learned Judicial Magistrate No.I, Virudhunagar or that the interests of justice require transfer of the case. On the contrary, transfer of the case at this stage would cause inconvenience to the defacto complainant and the prosecution witnesses, who have already participated in the proceedings, and would unnecessarily prolong the trial.

14) In view of the foregoing discussion, this Court is of the

considered opinion that the petitioner has failed to establish any valid, sufficient or exceptional ground warranting transfer of C.C.No.211 of 2020 from the file of the learned Judicial Magistrate No.I, Virudhunagar. The present Criminal Transfer Petition appears to have been filed at an advanced stage of the trial without any legally sustainable ground and is devoid of merits. Accordingly, this Criminal Transfer Petition is dismissed. The point is answered accordingly.

15) Result

In the result, this petition is dismissed. No Costs.

Dictated to the Steno-Typist, directly typed by her, then corrected and pronounced by me in open Court on this the 13th day of July 2026

**Principal District and Sessions Judge,
Virudhunagar District at Srivilliputtur.**

Copy to

Judicial Magistrate No.I, Virudhunagar.

Principal District and Sessions Court,
Srivilliputtur,
Tr.Cr.M.P.No.1085/2026
ORDER
Date: 13.07.2026