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ITEM NO.50

Court No.4

SECTION IIA

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).753/2013

(From the judgement and order dated 10/10/2012 in CRLOP No.10571/2012, of
The HIGH COURT OF MADRAS)

T. UDAYARAJ

Petitioner(s)

VERSUS

K.R. MUTHIAH @ A.K. MUTHIAH

Respondent(s)

(With appln(s) for stay and office report)

Date: 20/01/2014 This Petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN
HON'BLE MR. JUSTICE J. CHELAMESWAR

For Petitioner(s) Mr. Vipin Nair, Adv.
Mr. Udayaditya Banerjee, Adv.
for M/S. Temple Law Firm

For Respondent(s)

UPON hearing counsel the Court made the following
O R D E R

Inspite of service, respondent has not entered
appearance.

Leave granted.

The appeal is disposed of in terms of the signed order.

| (DEEPAK MANSUKHANI) | (M.S. NEGI) |
| Court Master | Assistant Registrar |

(Signed order is placed on the file)

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(s). 188 OF 2014
(Arising out of SLP(Crl.) No(s). 753 of 2013)

T. UDAYARAJ Appellant(s)

VERSUS

K.R. MUTHIAH @ A.K. MUTHIAH Respondent(s)

O R D E R

In spite of service, respondent has not entered appearance.

Leave granted.

The petition filed by the respondent in the High Court was for quashing of proceedings under Section 482 CrPC and there was no prayer for transfer of case from Chennai to Karaikudi. However, the High Court has transferred the case from Chennai to Karaikudi in the said petition. The High Court does not have the powers to transfer a case under Section 482 CrPC until and unless a transfer petition has been filed under Section 407 of the CrPC.

The order passed by the High Court for transferring the petition from Chennai to Karaikudi is accordingly set aside. Let the trial be concluded by the competent Court at Chennai.

The appeal is disposed of accordingly.

.....J.
(Dr. B.S. CHAUHAN)

.....J.
(J. CHELAMESWAR)

NEW DELHI
JANAURY 20, 2014.