

Deepa Divakaran @ Mary vs State of Kerala

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Court : Kerala

Decided On : Jan-10-2022

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : Tr.P(Crl.)/4/2021

Appellant : Deepa Divakaran @ Mary

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
MONDAY, THE 10TH DAY OF JANUARY 2022 / 20TH POUSHA, 1943
TR.P(CRL.) NO. 4 OF 2021 TRANSFER IN MC 98/2020 OF JUDICIAL
MAGISTRATE OF FIRST CLASS ,CHANGANACHERRY
PETITIONER/RESPONDENT: DEEPA DIVAKARAN @ MARY, AGED
37 YEARS W/O. JOSEPH K. J., D/O. DIVAKARAN, VAZHIPARAMBIL
HOUSE, CHERUKUNNAM P. O., THEKKEKARA VILLAGE,
MAVELIKKARA, ALAPPUZHA DISTRICT. BY ADVS. RASHEED
C.NOORANAD SRI.R.AJAYGHOSH, SMT.ANITHA M.N. (EKM)
RESPONDENTS/STATE & PETITIONER: 1 STATE OF
KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT

OF KERALA, ERNAKULAM - 682 031. 2 ANNAMMA JOSEPH, AGED 78 YEARS W/O. K. V. JOSEPH, VADAKKEKARA KALATHIL VEEDU, VEROOR POSTAL AREA, CHETHIPUZHA VILLAGE, CHANGANASSERY TALUK - 686 101. BY ADV SRI.JACOB E SIMON R2 SRI SANGEETHA RAJ-PP THIS TRANSFER PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION ON 10.01.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -:2:-

ORDER

Dated this the 10th day of January, 2022 This transfer petition has been filed to transfer MC.No.98/2020 on the file of the Judicial First Class Magistrate Court, Changanassrey to the Judicial First Class Magistrate Court- I, Mavelikkara where MC 76/2020 is pending.

2. The petitioner is the daughter-in-law of the 2 nd

respondent. M.C.No.98/2020 has been filed by the 2nd respondent against the petitioner under the Protection of Women from Domestic Violence Act, 2005 (for short 'the D.V Act). M.C.No.76/2020 has been filed by the petitioner herein against the 2nd respondent and others. The said case has also been filed under the D.V Act.

3. The transfer has been sought only on the ground that

the petitioner who is jobless and without income cannot travel all along from Mavelikkara to Chenganassery. The petitioner is aged 37 years. On the other hand the 2nd respondent is a senior -:3:- citizen and a lady aged 78 years. The 2 nd respondent will have to travel all along from Changanassery to Mavelikkara to conduct the case and to give evidence. I am of the view that no valid cause has been shown to transfer the case. Accordingly, the transfer petition is dismissed. Sd/- DR. KAUSER EDAPPAGATH JUDGE kp True copy P.A. To Judge -:4:- APPENDIX OF TR.P(CRL.) 4/2021 PETITIONER ANNEXURES ANNEXURE A1 A TRUE COPY OF THE MC NO.98/2020 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT, CHANGANASSERY. ANNEXURE A2 THE TRUE COPY

OF THE ORDER IN CMP NO.2903/2020 IN MC NO.98/2020 OF THE LEARNED MAGISTRATE DATED 30.11.2020. ANNEXURE A3 A TRUE COPY OF THE PETITION IN MC NO.76/20 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT I, MAVELIKKARA. ANNEXURE A4 A TRUE COPY OF THE INTERIM ORDER IN CMP

NO.2374/2020 IN MC NO.76/2020 PASSED BY THE JUDICIAL FIRST CLASS MAGISTRATE COURT I, MAVELIKKARA DATED 10.12.2020.

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