

*Crl.M.P.(MD)No.13924 of 2026
in Crl.O.P(MD)No.17236 of 2024*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Reserved on : 16.07.2026

Delivered on : 24.07.2026

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.M.P.(MD)No.13924 of 2026
in
Crl.O.P.(MD)No.17236 of 2024

K.Rajkumar @ Kodyankulam Kumar

: Petitioner

Vs.

- 1.The State rep.by the Commissioner of Police,
Tirunelveli City.
- 2.The State rep.by the Assistant Commissioner of Police,
Tirunelveli Medical College Police Station,
Palayamkottai, Tirunelveli District.
- 3.The Inspector of Police,
Medical College Police Station,
Tirunelveli City, Tirunelveli District.
- 4.Balaganesan
- 5.Balamurugan
- 6.Pravinraj

: Respondents

Prayer in Crl.M.P(MD)No.13924 of 2026 : Criminal Miscellaneous Petition
filed under Section 528 of BNSS., to modify the paragraph No.9 of the order



*Crl.M.P.(MD)No.13924 of 2026
in Crl.O.P(MD)No.17236 of 2024*

passed in Crl.O.P(MD)No.17236 of 2024, dated 08.06.2026 and thereby withdraw the case from the Special Curt for trial of cases registered under SC/ST (POA) Sivagangai to the competent Court either in Karur or Dindigul.

PRAYER in Crl.O.P(MD)No.17236 of 2024 : Criminal Original Petition filed under Section 447 of BNSS., to withdraw and transfer the case in S.C.No.68 of 2018 pending on the file of the II Additional District Court, Tirunelveli to any other competent court in the other district in the interest of justice.

For Petitioner : Mr.C.M.Arumugam,

For Respondents : Mr.I.Murugesan,
Government Advocate (Crl. Side)
for R1 to R3.

: Mr.V.Kathirvelu,
Senior Counsel,
for Mr.K.Prabhu, for R4.

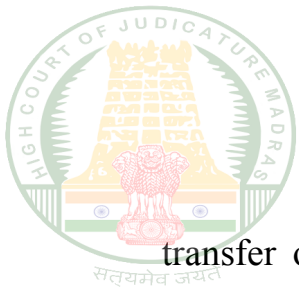
: Mr.Niranjan S.Kumar for R5.

: No Appearance, for R6.

ORDER

The Criminal Miscellaneous Petition has been filed under Section 528 of BNSS, seeking modification of the order, dated 08.06.2026 in Crl.O.P(MD) No.17236 of 2024.

2. It is evident from the records that the present petitioner, who is the defacto complainant filed a petition in Crl.O.P(MD)No.17236 of 2024, seeking



*Crl.M.P.(MD)No.13924 of 2026
in Crl.O.P(MD)No.17236 of 2024*

transfer of the case in S.C.No.68 of 2018 from the file of the II Additional District and Sessions Court, Tirunelveli to any other Court in the other District and this Court, after hearing all the parties, passed an order, dated 28.10.2024, transferring the above said Sessions Case to the file of the Special Court for trial of Cases registered under SC/ST (POA) Act cases, Srivilliputhur and directed the said Court to proceed with the trial and complete the same within a period of four months from the date of receipt of copy of that order.

3. It is further evident from the records that the learned Principal District Judge, Virudunagar, submitted a requisition, dated 22.11.2024, citing some personal reasons, requested to transfer the case to any other Court and this Court vide order, dated 27.02.2025, transferred the case in S.C.No.68 of 2018 to the file of the III Additional District and Sessions Court PCR Cases, Madurai. Thereafter, the learned III Additional District and Sessions Judge(PCR), Madurai, submitted a requisition, dated 11.05.2026, stating that he had acquaintance with the some of the accused while practising as an Advocate, requested to transfer the case to some other Court and this Court, after hearing the learned counsel for the defacto complainant, the learned counsel appearing for some of the accused, and the learned Government Advocate (Criminal Side), passed an order dated 08.06.2026, transferring the case from the file of the



*Crl.M.P.(MD)No.13924 of 2026
in Crl.O.P(MD)No.17236 of 2024*

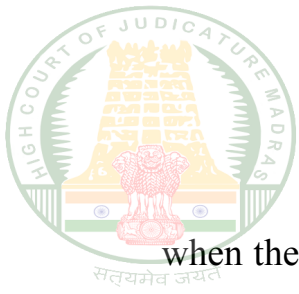
III Additional District and Sessions Court (PCR Cases) Madurai, to the Special

Court for trial of Cases registered under the SC/ST (POA)Act, Sivagangai.

After passing of the said order, dated 08.06.2026, the defacto complainant has now come forward with the present petition, seeking transfer of the case to the Special Court at Karur or Dindigul.

4. The petitioner/defacto complainant, in the affidavit filed in support of the modification petition, has stated that the Special Public Prosecutor appointed by the Government is a regular legal practitioner in Erode District; that he is aged about 70 years and whose travel from Erode to Sivagangai would be very tedious and he is unable to afford himself to take such a long travel; that the difficulties of the Special Public Prosecutor were not taken into consideration while passing the order transferring the case from Madurai to Sivagangai and that thereafter, the petitioner was constrained to file the above petition seeking modification of transfer order.

5. The learned counsel appearing for the accused strongly opposed the said petition, contending that the convenience of the Special Public Prosecutor, by no stretch of imagination, can be considered as a valid ground for transferring a Sessions Case from one district to another, more particularly



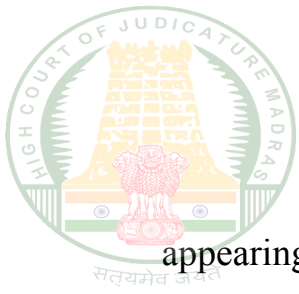
*Crl.M.P.(MD)No.13924 of 2026
in Crl.O.P(MD)No.17236 of 2024*

when the case has already been transferred to three Districts, that the very same Special Public Prosecutor had been appointed to conduct the Sessions cases at Tirunelveli and he has been attending the trial of those cases and therefore, the reason now canvassed that the Special Public Prosecutor is unable to travel such a long distance, is false and untenable and that the accused have serious objections to transferring the case to the Special Court at Karur or Dindigul.

6. It is well settled that transfer of a criminal case is an extraordinary power and the same cannot be exercised merely for the convenience of a counsel. The paramount consideration is whether there exists a reasonable and *bona fide* apprehension that a fair and impartial trial cannot be conducted by the Court before which the case is pending.

7. In the case on hand, the petitioner has not raised any allegation against the Presiding Officer of the Special Court at Sivagangai, nor has any circumstance been placed before this Court to indicate that the petitioner will not receive a fair and impartial trial before the said Court.

8. As already pointed out, the only grievance projected is the inconvenience said to be caused to the Special Public Prosecutor, who is



*Crl.M.P.(MD)No.13924 of 2026
in Crl.O.P(MD)No.17236 of 2024*

appearing at the instance of the petitioner, on account of the distance in the travel. It is pertinent to note that the inconvenience of the counsel, whether engaged by the prosecution or the defence, cannot, by itself, constitute a legally sustainable ground for transferring a criminal case from one Court to another. If such a contention is accepted, it would result in the transfer of proceedings depending upon the convenience of individual counsel rather than the interest of justice, which is impermissible.

9. In the case on hand, as already pointed out, the Sessions Case had already been undergone three transfers. Moreover, the initial transfer was ordered at the instance of the petitioner/defacto complainant, whereas the subsequent transfers were effected on the administrative requests of the respective Presiding Officers, after hearing all the concerned parties. Moreover, repeated transfers of the same case are likely to delay the trial and defeat the very object of the earlier directions issued by this Court for expeditious disposal.

10. In the absence of any material to show that real likelihood of prejudice or failure of justice, this Court has no hesitation in holding that the request for transfer on the ground of the convenience of the Special Public



*Crl.M.P.(MD)No.13924 of 2026
in Crl.O.P(MD)No.17236 of 2024*

Prosecutor is not justified. Consequently, this Court concludes that the Criminal Miscellaneous Petition is devoid of merits and the same is liable to be dismissed.

11. In the result, the Criminal Miscellaneous Petition is dismissed.

24.07.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
das

To

- 1.The Special Judge for trial of Cases registered under SC/ST (POA) Act cases, Sivagangai.
- 2.The Commissioner of Police,
Tirunelveli City.
- 3.The Assistant Commissioner of Police,
Tirunelveli Medical College Police Station,
Palayamkottai, Tirunelveli District.
- 4.The Inspector of Police,
Medical College Police Station,
Tirunelveli City, Tirunelveli District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



*Crl.M.P.(MD)No.13924 of 2026
in Crl.O.P(MD)No.17236 of 2024*

K.MURALI SHANKAR,J.

das

Pre- delivery order made in
Crl.M.P.(MD)No.13924 of 2026
in
Crl.O.P.(MD)No.17236 of 2024

Dated: 24.07.2026