

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.15970 of 2015

and

M.P.No.1 of 2015

1.Jayaraj
2.Palraj
3.Manoj Kumar

...Petitioners/Accused 2 to 4

Vs

State rep by
The Inspector of Police
Thermal Police Station
Cuddalore District.

...Respondent/Complainant

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to withdraw transfer the case in S.C.No.65 of 2013 pending on the file of the learned Assistant Sessions Judge, Neyveli to any other District.

For Petitioners : Mr.A.Gokulakrishnan

For Respondent : Mr.C.Emalias,
Addl.Public Prosecutor

ORDER

This petition has been filed to withdraw the case in S.C.No.65 of 2013 pending on the file of the learned Assistant Sessions Judge, Neyveli to any other District.

2. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the State.

3. The petitioners herein are A2 to A4 who are facing trial before the learned Assistant Sessions Judge, Neyveli in S.C.No.65 of 2013 for offences under Sections 147, 148, 341 and 307 r/w 120 B IPC. Initially five persons were arrayed as accused in S.C.No.65 of 2013. The crux of the allegation is that, these five persons

had attempted to murder one Manivarma. but the said Manivarma survived the attack. During the pendency of the trial, Manivarma had masterminded and eliminated Prabhu who was arrayed as A2 in S.C.No.65 of 2013 on 12.05.014. After the death of Prabhu, these petitioners are finding it very insecure to attend the trial before the Assistant Sessions Judge, Neyveli and therefore, they are seeking for a transfer to another Court, fearing their life.

4. The learned Additional Public Prosecutor, on instructions from the respondent police submits that, there is a gang war going on between two parties and the life of these petitioners is also in peril as there is likelihood of Manivarma gang attacking these petitioners. It is reported that Manivarma who is the victim, is now in jail, having been convicted and sentenced to life imprisonment in another case. His brother Dhanakanthan who is also one of the witnesses in S.C.No.65 of 2013 is also a life convict and is cooling his heels in jail. The learned Additional Public Prosecutor submits that though the principal witnesses, namely Manivarma and Dhanakanthan are in jail, yet they have the capacity to operate from inside the jail.

Under such circumstances, this Court is of the view that, this is a fit case to transfer S.C.No.65 of 2013 from the file of the Assistant Sessions Judge, Neyveli to a Court of the Assistant Sessions Judge, Cuddalore, who shall proceed with the trial expeditiously. The police shall also give sufficient protection to these petitioners to appear before the Assistant Sessions Judge, Cuddalore. The Superintendent of Police, Cuddalore is directed to look into these aspects and ensure the safety of these petitioners.

With the above direction, this petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

gms

To

1.The Assistant Sessions Judge,
Neyveli.

2.The Assistant Sessions Judge,
Cuddalore.

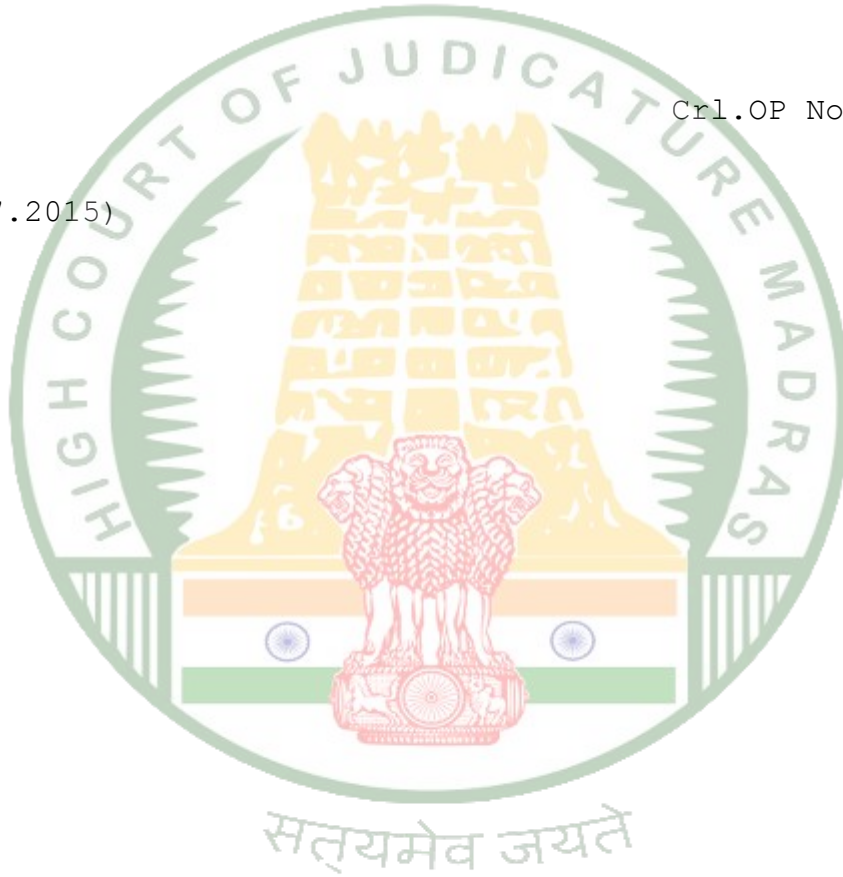
3.The Superintendent of Police,
Cuddalore.

4.The Public Prosecutor
High Court,Madras.

1 CC to Mr.A.Gokulakrishnan, Advocate SR.No. 32879

Cr1.OP No.15970 of 2015

SCD (CO)
PSI (07.07.2015)



WEB COPY