

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30-01-2015

Coram

THE HONOURABLE MR. JUSTICE R.S. RAMANATHAN

Cr1.O.P. No. 5230 of 2010

and

M.P. No. 1 of 2010

Anbalagan

... Petitioner

Versus

1. The State represented by
Inspector of Police
CBCID, Perambalur
Perambalur District

..Respondent/Complainant

2. Nari @ Duraisamy

.. Respondent/Complainant

Criminal Original Petition filed under Section 407 of Cr.P.C. praying to withdraw the case and transfer the case in S.C. No. 70 of 2009 on the file of the Mahila Court, Perambalur to Mahila Court, Cuddalore to conduct denova trial to secure the ends of justice.

For Petitioner : Mr. R. Sankara Subbu

For Respondents : Mr. M. Maharaja

Additional Public Prosecutor for R1

Mr. V. Chandrakanthan for R2

ORDER

The petitioner is the defacto complainant at whose instance the criminal prosecution came to be launched against the second respondent herein. The present petition has been filed by the petitioner seeking to transfer the trial in S.C. No. 70 of 2009 on the file of Mahila Court, Perambalur to the Mahila Court at Cuddalore. On 12.03.2010, this Court also granted interim stay.

2. It is submitted by the learned Additional Public Prosecutor appearing for the first respondent that the petitioner sought for transfer of the trial in the Sessions Case by making allegations against the then Presiding Officer of the Mahila Court that the procedures contemplated under law have not been followed while examining the victim minor girl in the Court. Such examination of witness took place in the year 2010 and thereafter several Presiding Officer have taken charge of the Mahila Court, Perambalur. Therefore, at this stage, the relief sought for in this petition for transfer of the case to the Mahila Court, Cuddalore has become infructuous and he prayed for dismissal of the petition.

3. The learned counsel for the petitioner would submit that the petitioner may be permitted to work out his remedy, if any, available to him under law before the trial court.

4. I heard the counsel on either side. It is seen from the records that the petitioner has filed the present petition seeking transfer of the Sessions Case from the file of Mahila Court, Perambalur to the file of Mahila Court, Cuddalore by raising certain allegations against the then Presiding Officer. By virtue of the interim stay granted by this Court on 12.03.2010, the entire criminal proceedings have been stalled for about four years. In the meantime, successive Presiding Officers have taken charge of the Mahila Court, Perambalur. While so, at this stage, the relief sought for in the present petition need not be granted by this Court. However, liberty is given to the petitioner to work out his remedy, if any available to him under law before the trial court.

5. With the above observations, the Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

rsh

1. The Presiding Officer,
The Mahila Court, Perambalur.

2. The Inspector of Police, CBCID, Perambalur.

3. The Public Prosecutor, High Court, Madras.

+ 1 cc to Mr.V. Chandrakanthan, Advocate Sr.5026

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MG(CO)

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