

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.18124 of 2015

D.Yamuna Bai

..

Petitioner

Vs

1. The Sub Inspector of Police,
All Women Police Station,
Jayamkondam.

2. Dhan Singh

3. Chotibhai alias Lakshmi

..

Respondents

Prayer:- Criminal Original Petition filed under Section 407 Cr.P.C., praying to grant withdraw the Calendar Case No.49 of 2013 on the file of learned Judicial Magistrate, Jayankondam, Ariyalur District and transfer the same to learned Judicial Magistrate, Kallakurichi, Villupuram District, directing to dispose the above case on merits.

For Petitioner :Mr.T.Sivagnanasambandan

For Respondents :Mr.C.Emalias [R1]

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed praying to withdraw the Calendar Case No.49 of 2013 on the file of learned Judicial Magistrate, Jayankondam, Ariyalur District and transfer the same to learned Judicial Magistrate, Kallakurichi, Villupuram District, directing to dispose the above case on merits.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. It is seen that this petitioner is the defacto-complainant and on her complaint, a case in Crime No.13 of 2012 was registered by the Police and on completing the investigation, the Police have filed a final report before the learned Judicial Magistrate, Jayankondam, against the husband of the petitioner and family members, which was taken on file in C.C. No.49 of 2013 by the learned Judicial Magistrate, Jayankondam.

4. Now, the defacto-complainant is before this Court to transfer the entire criminal prosecution from the file of the learned Judicial Magistrate, Jayankondam to the file of the learned Judicial Magistrate, Kallakurichi, Villupuram District, on the ground that she is now residing in Villupuram.

5.A criminal case cannot be transferred on this ground, inasmuch as, it will cause serious prejudice not only to the accused, but also to other witnesses, who will have to come and depose before the trial Court.

6.The learned counsel for the petitioner further submits that there is an apprehension that the petitioner will not be able to give evidence in a free and fair manner before the learned Judicial Magistrate, Jayankondam.

7. Under such circumstances, this Court directs the first respondent Police to provide sufficient protection to the petitioner when she comes for giving evidence before the learned Judicial Magistrate, Jayankondam and the learned Judicial Magistrate, Jayankondam has to ensure that the chief examination of the petitioner and cross-examination shall be done on the same day without any delay.

8. With the above direction, this Criminal Original Petition is closed.

ds

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Sub Inspector of Police,
All Women Police Station,
Jayankondam.
2. The Judicial Magistrate,
Jayankondam.
3. The Public Prosecutor
High Court, Madras.

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