

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.20553 of 2015
and
M.P.No.1 of 2015

E.Revathy .. Petitioner

Vs

State by
Inspector of Police,
B-6, Peelamedu Police Station,
Coimbatore. .. Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to withdraw the Sessions Case in SC.No.28 of 2014 on the file of Chief Judicial Magistrate, Coimbatore and transfer to any other competent Court.

For Petitioner : Mr.P.Saravana Sowmiyan

For respondent : Mr.C.Emalias
Additional Public Prosecutor

ORDER

This petition has been filed to withdraw the Sessions Case in S.C.No.28 of 2014 on the file of Chief Judicial Magistrate, Coimbatore and transfer to any other competent Court.

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

3. It is seen that there are 13 accused in this case. Trial commenced before the Sessions Court and two witnesses were examined on behalf of the prosecution and both of them turned hostile to the prosecution case. The petitioner herein is the mother of L.W.3 and she has come with the transfer petition on the ground that the accused are very influential persons and that, they are tampering with the evidence.

4. In the considered opinion of this Court, this cannot be a reason to transfer the case to another Court. At the same time, sufficient protection should be given to L.W.3 for deposing before the trial Court in free and fair manner. Therefore, this Court directs the respondent police to give protection to L.W.3 during the course of giving evidence before the trial Court and the trial Court shall ensure that the Chief and cross examination of L.W.3 is

done on the same day as directed by the Hon'ble Supreme Court in Vinoth Kumar Vs. State of Punjab reported in (2015 (1) MLJ (Cr1.) 288). If the accused adopt any dilatory tactics by absconding etc., the trial Court is entitled to cancel their bail as held by the Hon'ble Supreme Court in State of Uttar Pradesh Vs. Shambhu Nath Singh reported in (JT 2001 (4) SC 319). The trial Court shall conduct trial in S.C.No.28 of 2014 expeditiously.

With the above observations, this criminal original petition is closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

sms
To

1.The Chief Judicial Magistrate, Coimbatore.

2. Inspector of Police,
B-6, Peelamedu Police Station,
Coimbatore.

3.The Public Prosecutor
High Court,Madras.

1 cc to Mr.Saravnan Sowmiyan , Advocate Sr.No.43580/15

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pmk.7.9.2015

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