

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2015

CORAM:

THE HON'BLE MR.JUSTICE R.SUBBIAH

Cr1.O.P.No.28535 of 2015

and

M.P.No.1 of 2015

1.Mathivanan
2.Mrs.Mangai
3.Kamalakkannan ... Petitioners/Accused 1 to 3.

Vs.

1. Inspector of Police,
Chidambaram Town Police Station,
Chidambaram. Respondent/Complainant.

2.Seetharaman ... Respondents/Informant

Prayer: Petitions filed under Section 407 of Cr.P.C., praying to withdraw and transfer the case in S.C.No.238 of 2009 from the file of the Assistant Sessions Court, Chidambaram to some other district to conduct fair trial in the said case.

For Petitioners : Mr.R.Sankarasubbu

For Respondents : Mr.C.Emalias, APP

* * * * *

ORDER

This criminal original petition has been filed by the petitioners praying to transfer the case in S.C.No.238 of 2009 from the file of the learned Assistant Sessions Judge, Chidambaram to some other District Court.

2.The learned counsel for the petitioners submitted that the petitioners herein/accused 1 to 3 are facing the trial in S.C.No.238 of 2009 pending on the file of the learned Assistant Sessions Judge, Chidambaram. The complainant is a practising advocate and he is hailing from dominant caste and he has got muscle power and money power and he is having influence in the Bar at Kattumannatgudi. In fact, in the Bar at Kattumannargudi, by the influence of the complainant/advocate, a resolution had been passed against the petitioners herein, not

to appear for the petitioners herein. Further, the complainant/advocate is intimidating the petitioners' advocate Shankar and the Presiding Officer. Hence, the learned counsel for the petitioners sought for transferring the case to some other District Court.

3. But, the learned Additional Public Prosecutor submitted that examination of prosecution witnesses was completed and now the case has been posted for the defence witnesses. Thus, he opposed for transferring the case.

4. Keeping the submissions made on either side, I have carefully gone through the materials available on record. As contended by the learned Additional Public Prosecutor, since the examination of prosecution witnesses has also been completed, at this stage, the prayer sought for by the petitioners cannot be entertained. Further, except the bald allegations, no substantial evidence has been produced on the side of the petitioners before this Court in support of their contentions to transfer the case. Hence, I am not inclined to transfer the case as sought for by the petitioner and the petition is liable to be dismissed.

In fine, the criminal original petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

ssv

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Assistant Sessions Judge,
Chidambaram.
2. The Inspector of Police,
Chidambaram Town Police Station,
Chidambaram.
3. The Public Prosecutor,
Madras High Court, Madras.

scd(co)
prk8/1

Crl.O.P.No.28535 of 2015
and
M.P.No.1 of 2015