

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2015

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Crl.O.P.No.29088 of 2015

P.Jayaraman

...Petitioner/Accused

vs

State represented by
The Inspector of Police,
Rasipuram Police Station,
Rasipuram.

... Respondent/Complainant

Criminal Original Petition filed under Section 482 Cr.P.C. seeking transfer of the case in C.C.No.119 of 2015 pending trial on the file of the learned Judicial Magistrate, Rasipuram to any other Court.

For Petitioner : M/s.Kumar & Baskar

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

O R D E R

The present Criminal Original Petition has been filed seeking a direction to transfer the case in C.C.No.119 of 2015 pending trial on the file of the learned Judicial Magistrate, Rasipuram to any other Court.

2. It is the case of the petitioner that the defacto complainant, one P.Chitra lodged a complaint against him and other accused on 17.07.2014 to the respondent police. Initially, a CSR in CSR No.184/2014 was issued on 17.07.2014. Later on, a case came to be registered in FIR No.463/2014 for offences under Sections 147, 294(b), 323, 354 and 506(i) IPC on 20.07.2014. After completion of investigation, the respondent police filed Final Report before the trial Court. The same was taken on file by the learned Judicial Magistrate, Rasipuram in C.C.No.119/2015 for the said offences.

3. The dispute in question is civil in nature as it pertains to a property dispute between the petitioner, who is a

retired Sub-Inspector of Police and the defacto complainant and in that regard, the petitioner made complaints to the respondent police. The petitioner has also stated that when he along with his family members went to attend the funeral of his brother-in-law, the defacto complainant and others stopped them, ill-treated and attacked them, that too in the presence of the police officials attached to the respondent. After the said incident, the petitioner was admitted in Government Hospital Salem as an inpatient. Thereafter, the respondent police came to the Government Hospital, obtained his complaint, which came to be registered as Crime No.464/2014 for the offences under Sections 147, 294(b), 323, 354 and 506(ii) IPC. Though the said complaint was obtained on 18.07.2014, the same came to be registered only on 20.07.2014. Pursuant thereto, the petitioner sought details under the Right to Information Act from the Public Information Officer (Addl. Superintendent of Police), Namakkal District vide petition dated 13.07.2015. Since no action was taken on his representation, the petitioner preferred an appeal under the Right to Information Act on 02.09.2015. Being aggrieved over the continuance of trial before the Judicial Magistrate, Rasipuram, the petitioner has come up with the present Criminal Original Petition.

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

5. Learned counsel for the petitioner submitted that as the defacto complainant is a highly influential person, necessary police protection may be given to the petitioner to attend the trial in C.C.No.119 of 2015 pending before the Judicial Magistrate, Rasipuram.

6. Learned Additional Public Prosecutor submitted that the petitioner may be directed to approach the Deputy Superintendent of Police, Rasipuram as regards providing police protection to him.

7. In view of the above submissions, I am of the opinion that though O.P. was filed to transfer C.C.No.119/2015 from the file of the Judicial Magistrate, Rasipuram, there is no need to transfer the case in C.C.No.119/2015 pending trial on the file of the Judicial Magistrate, Rasipuram and I feel it appropriate to direct the petitioner to approach the Deputy Superintendent of Police, Rasipuram, if any threat persists and the Deputy Superintendent of Police, Rasipuram is directed to consider the request of the petitioner with regard to providing police protection to him.

This Criminal Original Petition is disposed of with the above direction.

sd/-
Assistant Registrar (Cs-III)

/TRUE COPY/

Sub-Assistant Registrar

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To :

1. The Judicial Magistrate,
Rasipuram.
 2. The Inspector of Police,
Rasipuram Police Station,
Rasipuram.
 3. The Public Prosecutor,
High Court, Madras.
 4. The Deputy Superintendent of Police,
Rasipuram.
- +2 CC to MR.Kumar & Baskar Advocate. SR.NO.67493

Cr1.O.P.No.29088 of 2015

CO-CTK
JD 11/01/2016

सत्यमेव जयते

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