

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2015

CORAM

THE HON'BLE MR. JUSTICE R.S.RAMANATHAN

CrI.O.P.No.3297 of 2015 and
M.P.No.1 of 2015

C.Muthukrishnan

...Petitioner

vs.

1. The State of Tamil Nadu,
rep. by The Inspector of Police,
Katpadi Police Station,
Vellore District.

2. Prakash @ Jayaprakash

...Respondents

Criminal Original Petition filed under Section 407 of the Criminal Procedure Code seeking to transfer the case in S.C.No.55 of 2013, from the file of the Mahila Court Sessions Judge, Vellore, to the District Court, Chengalpattu.

For Petitioner : Mr.S.Sathiamurthi
For Respondent-1 : Mr.M.Maharaja
Additional Public Prosecutor

O R D E R

This Petition is filed by the petitioner, who is the de facto complainant in S.C.No.55 of 2013.

2. The learned counsel appearing for the petitioner submitted that the petitioner seeks for transfer of the aforesaid case from the file of the Mahila Court Sessions Judge, Vellore, to the District Court, Chengalpattu, on the ground that, whenever, the accused/Jayaraj attended the Court, he was accompanied by the group of political parties. The accused also made an open challenge that he would finish off the petitioner and his family members and he was waiting for chance. As the accused threatened the life of the petitioner and his family members, they were not able to attend the Court on three occasions, and hence, bailable warrant was issued against them for their non-appearance, and after an undertaking was given by the petitioner and his family members that they would appear on all hearings, the bailable warrant was recalled. That apart, the petitioner has to spend Rs.3,000/- towards transportation charges for attending the Court, at Vellore. In the abovesaid circumstances, the present Petition is filed, seeking for transfer of the case.

3. I am unable to accept the contentions of the learned counsel for the petitioner. It is seen from the chargesheet that, case has been registered against the accused/Jayaraj, for offence under Sections 304 (B) IPC and 498(A). The petitioner is the de facto complainant, and he is arrayed as P.W.1 in the chargesheet. Therefore, the petitioner has to necessarily

appear before the Court on receipt of summons for giving evidence and his presence is not required for every day hearing. If the petitioner failed to appear on receipt of summon to give evidence, the Court was justified in issuing bailable warrant. The Police are also bound to give protection to the petitioner, while the petitioner was summoned to give evidence. Therefore, I am of the view that the case need not be transferred on the ground that the accused-Jayaraj had threatened the life of the petitioner.

4. In the result, the Criminal Original Petition is dismissed. However, the first respondent-Police is directed to give protection to the petitioner and his family members, whenever, summons are issued to them to give evidence in S.C.No.55 of 2013. Consequently, connected M.P. is closed.

sd

-s/d-

Assistant Registrar (CS-III)

Dt:2/3/2015

True Copy

Sub-Assistant Registrar

To

1. The Mahila Sessions Judge,
Vellore.

2. The Inspector of Police,
Katpadi Police Station,
Vellore District.

3. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.S.Sathiamurthi, Advocate SR 7505

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Cr1.O.P.No.3297 of 2015