

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.8975 of 2015

1.V.Sahaya Jackuline
2.G.Vedhamanickam
3.V.Franklin
4.Mary
5.G.Francis .. Petitioners/ A1 to 5
Vs

1.State of Tamil Nadu rep. by
The Inspector of Police,
All Women Police Station,
Dharapuram, Erode District. ...1st Respondent/Complainant

2.Heartwin Wesley ... 2nd Respondent/
Defacto Complainant

Prayer:- Criminal Original Petition filed under Section 482
Cr.P.C., to transfer C.C.No.32/2008 on the file of the Judicial
Magistrate, Dharapuram, Erode District to any Judicial
Magistrate's Court in Nagercoil.

For Petitioners : Mr.K.S.Kumar

For Respondents : Mr.C.Emalias,
Additional Public Prosecutor for R1

ORDER

Seeking a direction to the respondent police to transfer the
proceedings in C.C.No.32/2008 from the file of the Judicial
Magistrate, Dharapuram, Erode District to any Judicial
Magistrate's Court in Nagercoil.

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

3.The learned counsel for the petitioners submitted that
other litigations are pending between petitioners and de-facto
complainant in Nagercoil. The defacto complainant is the
husband of the first petitioner and it is alleged that he was
criminally intimidated by the petitioner and others. It is also
submitted that most of the petitioners are in and around Salem.

4.Considering the submissions made on either side, it is seen that the offence had taken place within the jurisdiction of Dharapuram and just because of vague allegations, transfer could not be sought for and if such transfer is ordered, it would amount to serious inconvenience to the witnesses who would come to depose in the case. Hence, the Criminal Original Petition is dismissed.

5.It is seen that charge sheet has been filed way back in 2008. Since no progress has been made, the trial Court is directed to complete the trial within a period of six months from the date of receipt of copy of this order.

6.The learned counsel for the petitioners submitted that some of the accused are very elderly person and their presence may be dispensed with. This submission is recorded. The trial Court is directed to permit the accused to be represented by the counsel on condition that they will not dispute their identity when the eye witness depose and the accused counsel shall cross examine the witnesses without seeking unnecessary adjournment in the absence of the accused. Consequently connected m.p. is also closed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

DP

To

1. The Judicial Magistrate
Dharapuram Erode

2. do thro the Chief Judicial Magistrate
Erode

3.The Inspector of Police,
All Women Police Station,
Dharapuram, Erode District.

4.The Public Prosecutor,
High Court, Madras.

1 cc to Mr.K.S. Kumar, Advocate, sr. 19975

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SV (CO)
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