



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.08.2015

CORAM

THE HONOURABLE MS.JUSTICE R.MALA

Crl.O.P(MD)No.12286 of 2015

and

M.P.(MD).No.1 of 2015

Sudhakar

... Petitioner

Vs.

State rep by
The Inspector of Police,
Thattarmadam Police Station,
Cr.No.160 of 2013
Thoothukudi District.

... Respondent

Prayer: Petition filed under Section 482 of the Code of Criminal Procedure, to transfer the case in S.C.No.195 of 2014 on the file of the learned Mahalir Neethimandram (Fast Track Mahila Court), Thoothukudi, Thoothukudi District to some other competent Court to any other District.

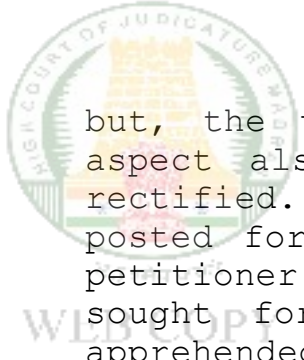
For Petitioner	... Mr.V.Kathirvelu
	Senior Counsel for Mr.K.Prabhu
For Respondent	... Mr.K.Anbarasan
	Govt. Advocate (Crl.Side)

ORDER

The petitioner has come forward with this petition to transfer the case in S.C.No.195 of 2014 on the file of the learned Mahalir Neethimandram (Fast Track Mahila Court), Thoothukudi, Thoothukudi District to some other competent Court to any other District.

2.Heard the learned counsel for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

3.The learned counsel for the petitioner submitted that the petitioner is arrayed as the sole accused and he is facing the charge for offences under Sections 498(A), 302 and 201 of I.P.C., and the case was posted for trial on 17.06.2015 on that day, 9 witnesses were examined. He further submitted that since there is no separate Public Prosecutor in this Court, the Presiding Officer himself has recorded the evidence in the absence of Public Prosecutor and it was objected by the counsel for the accused,



but, the trial Court has not cared about and even though this aspect also brought to the notice of this Court, it was not rectified. He further submitted that on 18.06.2015, the matter was posted for examination of witnesses 10 to 16, on that day, the petitioner's counsel was unable to appear before the Court and he sought for adjournment, it was rejected and the accused has apprehended that he will not get a fair and impartial trial at the hands of the trial Court viz., Mahalir Neethimandram (Fast Track Mahila Court), Thoothukudi and hence he has come forward with this petition for the aforesaid relief.

4. At this juncture, the learned Government Advocate (Crl.side) would submit that out of 34 witnesses, 29 witnesses were already examined and the matter was posted for the examination of official witnesses and hence, he prays for dismissal of this application.

5. It is true, as per the order of this Court dated 03.07.2015, a report has been called for from the learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Thoothukudi, Thoothukudi District and so far the report is yet to be received.

6. Considering the rival submissions made on both sides and also perused the typed set of papers that already trial has been commenced; that out of 34 witnesses, 29 witnesses were examined and the matter was posted for examination of official witnesses and in such circumstances, it is a fit case for disposing the matter and it is the fundamental right of the accused to get a fair trial and to prove his innocent, being the justifying immaterial, it appears to be done to the accused and the accused has apprehend that he will not get a fair justice from the trial Court, I am of the view that it is a fit case to transfer the case in S.C.No.95 of 2014 from the file of the learned Mahalir Neethimandram (Fast Track Mahila Court), Thoothukudi, Thoothukudi District to the file of the learned Principal District Judge, Thoothukudi and the learned Mahalir Neethimandram (Fast Track Mahila Court), Thoothukudi is directed to transfer the entire case bundle within a week from the date of receipt of a copy of this order and the learned Principal District Judge, Thoothukudi is directed to dispose of the same within a period of one month from the date of receipt of the entire records. The petitioner's counsel is directed to co-operate for the early disposal.

With the above direction, the criminal original petition is disposed of. Consequently, the connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar

/True copy/



To:

1.The Mahalir Neethimandram
(Fast Track Mahila Court),
Thoothukudi, Thoothukudi District.

2.The Principal District Court,
Thoothukudi

3.The Inspector of Police,
Thattarmadam Police Station,
Cr.No.160 of 2013
Thoothukudi District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+one cc to M/s.K.Prabhu, Advocate in SR.No.47214

Cr1.O.P (MD) No.12286 of 2015
18.08.2015

NS/JGB-DP/SAR-II/01.09.2015
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