



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.11.2015

CORAM:

THE HONOURABLE Mr.JUSTICE S.VAIDYANATHAN

**Cr1.O.P. (MD)No.1347 of 2015
and M.P. (MD)Nos.1 and 2 of 2015**

Saraswathi ... Petitioner/Defacto Complainant

Vs.

1.The Inspector of Police,
Vasudevanallur Police Station,
Tirunelveli District. ...1st Respondent/Respondent

2.Sorimuthu ...2nd Respondent/Sole Accused

PRAYER: Petition is filed under Section 407 of the Code of Criminal Procedure, to withdraw the case in S.C.No.72 of 2013 on the file of the II Additional Sessions (PCR) Court, Tirunelveli and transfer the same to some other District.

For Petitioner : Mr.T.Indrachithu

For Respondents : Mrs.S.Prabha,

Government Advocate (Cr1. Side) for R1

Mr.S.M.A.Jinnah for R2

O R D E R

The petitioner has come forward with the present Criminal Original Petition to transfer the case in S.C.No.72 of 2013 on the file of the II Additional Seessions (PCR) Court, Tirunelveli.

2.The case of the petitioner is that the proceedings in S.C.No.72 of 2013 is pending before the II Additional Sessions (PCR) Court, Tirunelveli and the same has to be transferred to some other court as there is a threat to the petitioner at the hands of the 2nd respondent viz., Sorimuthu, who was working as Head Constable at Tirunelveli, and cited as an accused in Crime No.30 of 2013 on the file of the Vasudevanallur Police Station.

3.The further case of the petitioner is that the 2nd respondent / accused abused the petitioner in filthy language by using her caste and also threatened her and he is also said to have entered into the field of the petitioner and illegally harvested the paddy crops and took 40 bags of paddy worth about Rs.42,000/-. Based on the complaint of the petitioner, the above said case has been registered.

4.The learned counsel for the petitioner submitted that the petitioner is apprehending danger at the hands of the 2nd respondent as he is having Police friends and hence, the matter may be transferred to some other court.



5. The learned counsel for the 2nd respondent submitted that disciplinary action has been initiated against the 2nd respondent / accused and that the petitioner is giving evidence in the domestic enquiry. That being the case, it is absolutely wrong on the part of the petitioner to contend that there is a threat and in order to harass the 2nd respondent, the petitioner has approached this Court and obtained an interim order and stalled further proceedings of the sessions case in S.C.No.72 of 2013. He would further submit that the petitioner can very well appear before the Court regularly as the 2nd respondent has now been transferred to Thenkasi, which nearly 75 kms away from the present Court. He further submitted that the averments of the petitioner is totally incorrect.

6. Heard both sides.

7. It is seen that when the petitioner is able to give evidence in the domestic enquiry in the disciplinary proceedings, which has been initiated against the 2nd respondent, it cannot be said that there is a danger and threat to the life of the petitioner. It is not in dispute that the 2nd respondent has been working at Thenkasi and the matter is pending before the II Additional Sessions (PCR) Court, Tirunelveli. In case of any threat meted out by the petitioner nothing prevented her to approach the Sessions Court by filing a complaint. Hence, I do not find any justification in staying further proceedings of the matter, since there is no case made out, much less, a prima facie case against the 2nd respondent / sole accused for transferring the case from the II Additional Sessions (PCR) Court, Tirunelveli to some other Court.

8. In view of the above, this Criminal original Petition is dismissed. The II Additional Sessions (PCR) Court, Tirunelveli, shall take up the matter and proceed with the same on day to day basis and shall not adjourn the matter beyond the period of 3 working days at any point of time. Consequently, connected M.Ps. are closed.

Sd/-

Assistant Registrar (C.O.)

/True Copy/

Sub Assistant Registrar

To

1. The II Additional Sessions (PCR) Court, Tirunelveli.
2. The Inspector of Police,
Vasudevanallur Police Station, Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.S.M.A.Jinnah, Advocate Sr.No.67567