

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.OP.No.13783 of 2016
and CrI.MP.No.7046 of 2016

S.Bharadhan ..Petitioner/Defacto
Complainant

Vs

1.State by Inspector of Police,
Chengalpattu Town Police Station,
Crime No.823/2012. ...1st Respondent/
Complainant

2.Prakash

3.Mani Naidu

4.Nagammal ..Respondent Nos. 2 to 4/
Accused Nos.1 to 3

PRAYER: Criminal Original Petition filed under Section 407 of Cr.P.C. praying to transfer the S.C.No.148/2015 from the file of the learned Sessions Judge (Mahila Court), Chengalpattu to any other competent Court for trial.

For Petitioner : No appearance
For Respondent [R1] : Mr.C.Emalias,
Additional Public Prosecutor

O R D E R

The petitioner has filed this petition praying to transfer the case in S.C.No.148 of 2015 pending on the file of the learned Sessions Judge (Mahila Court), Chengalpattu to any other competent Court.

2. No representation for the petitioner on account of boycott of Courts. However, in Harish Uppal [Ex.Capt.] Vs Union of India, reported in [2003] 2 SCC 45, the Hon'ble Supreme Court has held that boycott of Courts is illegal and therefore, this Court perused the records, heard the learned Additional Public Prosecutor and passed orders.

3. On a complaint lodged by the petitioner, the respondent Police registered a case in Crime No.823 of 2012, and after completing the investigation, has filed final

report, and the case is now pending on the file of the Sessions Court (Mahila Court), Chengalpattu, in S.C.No.148 of 2015, to transfer which, this petition has been filed.

4. On a perusal of the grounds for transfer, in paragraph No.6, it is stated as follows :

"6. I humbly submit that the offences of grave nature punishable under Sec.376, 304B, 306 IPC are being tried by the Hon'ble Sessions Judge (Mahila Court). In such heinous case, the Hon'ble Sessions Judge (Mahila Court) has awarded conviction only in two cases for the past one year. In all the remaining cases, persons accused for offences like rape, dowry death and abetment of suicide have been acquitted from the charges on the pretext of 'giving benefit of doubt'. "

5. This court deprecates the conduct of the petitioner in making such an allegation against the Presiding Officer of the Court. If such complaints are entertained, it will only further demoralize the functioning of Trial Judges.

6. In the result, the petition is devoid of merits and dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police,
Chengalpattu Town Police Station,
Chengalpattu.

2.The Public Prosecutor,
High Court, Madras.

+1cc to M/s. R. Meenakshi, Advocate SR.37625

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BVR(CO)
Eu 23.07.16