

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.27075 of 2015

and M.P.No.1 of 2015

S.Suganthi

.. Petitioner

Vs.

1.The Sub-Inspector of Police
Erumapatti police station
Namakkal District.

2.N.Ethiraj
3.N.Padmaraj

.. Respondents

(R2 and R3 are impleaded as per the order
of this Court dated 26.04.2016 made in
Crl.M.P.No.4648 of 2016 in Crl.O.P.No.27075
of 2016)

Prayer: Criminal Original Petition is filed under Section 407 of
Cr.P.C., to transfer the trial pending in C.C.No.407 of 2010
from the learned Judicial Magistrate No.I, Namakkal to the
learned Judicial Magistrate, Salem and consequently, direct to
complete the trial within the time as fixed by this Court in
accordance with law and pass appropriate orders.

For Petitioner : Mr.S.Sarath Chandran
for M/S.K.M.Vijayan Associates

For R1 : Mr.C.Emalias
Addl. Public Prosecutor

For R2 and R3 : Mr.Mohamed Hasain

O R D E R

The petitioner has come forward with this petition seeking a
direction for transfer the trial pending in C.C.No.407 of 2010
from the learned Judicial Magistrate No.I, Namakkal to the
learned Judicial Magistrate, Salem and consequently, direct to
complete the trial within the time as fixed by this Court in
accordance with law and pass appropriate orders.

2.The learned counsel for the petitioner submitted that the petitioner is the defacto complainant and whenever she attended the Court, the accused threatened not to depose any witness, for which, the petitioner some how managed, but the accused are armed with political pressure and money power. Hence, she has come forward with this petition for the above stated relief.

3.Heard the learned counsel for the petitioner, learned Additional Public Prosecutor and learned counsel appearing for second and third respondents.

4.Considering the rival submissions made on both sides and perusing para-4 and 5 of the affidavit filed in support of this petition, I am of the view that the reason assigned by the petitioner is not meritorious. As per the version of the respondents 2 and 3/accused, the petitioner is an advocate and practicing at Namakkal. Under such circumstances, if the petitioner met out any threat at the hands of the accused, she may very well give a complaint against them. Admittedly, the petitioner has not given any such complaint. In such circumstances, the petitioner has come forward with this petition only with a view to drag on the proceedings. Therefore, the Criminal Original Petition deserves to be dismissed and it is hereby dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1.The Sub-Inspector of Police,
Erumapatti police station,
Namakkal District.

2.The Public Prosecutor
High Court, Chennai.

3.The Judicial Magistrate No.1,
Namakkal.

+1cc to Mr.M.Mohamed Hasain, Advocate Sr.25979

+1cc to M/S.K.M.Vijayan Associates, Advocate sr.26263

Cr1.O.P.No.27075 of 2015
and M.P.No.1 of 2015

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srg 26/05/2016