

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.18446 of 2016

P.Asirvatham

.. Petitioner

Vs

State Rep. by

The Inspector of Police,
Central Crime Branch,
Egmore,
Chennai - 600 008.

.. Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records pertaining to the issue of order directing the dismissal of Transfer C.M.P.No.7693 of 2016 in C.C.No.10116 of 2014 by the Learned Principal Sessions Judge, Chennai, dated 21.06.2016 and set aside the same.

For Petitioner : Mr.D.Ashok Kumar

For Respondent : Mr.C.Emalias,
Addl.Public Prosecutor

ORDER

This petition has been filed to call for the records pertaining to the issue of order directing the dismissal of Transfer C.M.P.No.7693 of 2016 in C.C.No.10116 of 2014 by the Learned Principal Sessions Judge, Chennai, dated 21.06.2016 and set aside the same.

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

3. It is seen that this petitioner is an accused in C.C.No.10116 of 2014 before the Chief Metropolitan Magistrate, Egmore, for offences under Sections 420 r/w 34 of IPC. The petitioner has filed the transfer application in Transfer Crl.M.P.No.7683 of 2016 before the Principal District and Sessions Judge, Chennai for transferring C.C.No.10116 of 2014 from the file of the Chief Metropolitan Magistrate, Egmore, to some other Court on the ground of his ill-health and inability to reach the court, which is in the third floor of the building.

The Principal Sessions Judge called for a report from the trial Court and after considering the same, dismissed the transfer application on the ground that the Chief Metropolitan Magistrate, Egmore, (Allikulam) has lift and ramp in the building and there is no difficulty to reach the Court at third floor.

4. This Court does not find any infirmity in the order passed by the learned Principal District and Sessions Judge, Chennai. That apart, this cannot be a ground for transferring of Criminal case, inasmuch as the convenience of victims and witnesses is most important than the convenience of the accused.

5. In the result of the above, this petition is dismissed as devoid of merits. It is always open to the petitioner to file an application under Section 317 Cr.P.C giving aforesaid reasons but on the undertaking that his counsel will cross-examine the witnesses on the day, on which they are examined in Chief as directed by the Supreme Court in Vinodh Kumar vs. State of Punjab [2015(1) MLJ (crl) 288] and also undertaking that he will not dispute his identity. On such application being filed, the trial Court is directed to consider the same liberally.

-s/d-

Assistant Registrar (CS-VI)

True Copy

Sub-Assistant Registrar

kmi/sms

To

1. The Inspector of Police,
Central Crime Branch,
Egmore,
Chennai - 600 008.
2. The Principal Sessions Judge,
Chennai.
3. The Public Prosecutor,
High Court, Madras.

+1 CC to Mr. D. Ashok Kumar, Advocate, SR.No.47192/2016

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CA (CO)

MD : 07.09.2016