

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.08.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.18690 of 2016 and

CrI.M.P.No.8816 of 2016

C. Sakthi

... Petitioner

Vs

State rep.by

The Inspector of Police,
Baarur Police Station,
Krishnagiri District.

...Respondent

Criminal Original Petition filed under Section 407 of Cr.P.C. praying to transfer the case in S.C.No.50/2016 on the file of the Learned Assistant Sessions Judge, Uthangarai, Krishnagiri District to learned Assistant Sessions Judge, Vellore, Vellore District.

For Petitioner : Mr.M.Machavathran

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

O R D E R

This petition has been filed to transfer the case in S.C.No.50/2016 on the file of the Learned Assistant Sessions Judge, Uthangarai, Krishnagiri District to learned Assistant Sessions Judge, Vellore, Vellore District.

2. Heard the learned counsel appearing for the petitioner; learned Additional Government Pleader and perused the materials placed on record.

3. On the complaint given by the petitioner, the respondent police registered a case in Cr.No.364 of 2013 and after completing the investigation has filed final report, which is now pending in S.C.No.50 of 2016 before the learned Assistant Sessions Judge, Uthangarai, Krishnagiri District against 35 accused for offence under Sections 147,148, 294(b), 448 and 506 (ii) IPC r/w 34 and Section 3(1) T.N.P.P.D.L.Act 1992, to transfer which the defacto complainant is before this Court.

4. The learned counsel for the petitioner/defacto complainant would submit that the accused belong to ruling party and the defacto complainant is a poor coolie worker and that they are frequently threatening the defacto complainant, if he comes to give evidence against them.

5. It is submitted that the petitioner has not even impleaded the accused as respondents. That part, the convenience of the witness should be taken into consideration before transferring a case from one Sessions Division to another Sessions Division. Under such circumstances, it is not a fit case to transfer S.C.No.50 of 2016, as prayed for by the petitioner. Hence the Criminal Original Petition is dismissed. Consequently connected miscellaneous petition is closed.

6. However, the trial court and the respondent police shall ensure that sufficient protection is given to the petitioner and all the witnesses when they come to the court for giving evidence. In fact, it is the duty of the police to bring the witness to the Court. The Public Prosecutor incharge of the case shall interview the witnesses before the examining them in-chief as held by the Supreme Court in the case of Hukum Singh & Others -vs- State of Rajasthan reported in (2000) 7 SCC 490. If there is any threat to the petitioner, defacto complainant and other witnesses, the trial court is entitled to cancel the bail of the accused and remand them to custody.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

सत्यमेव जयते

To

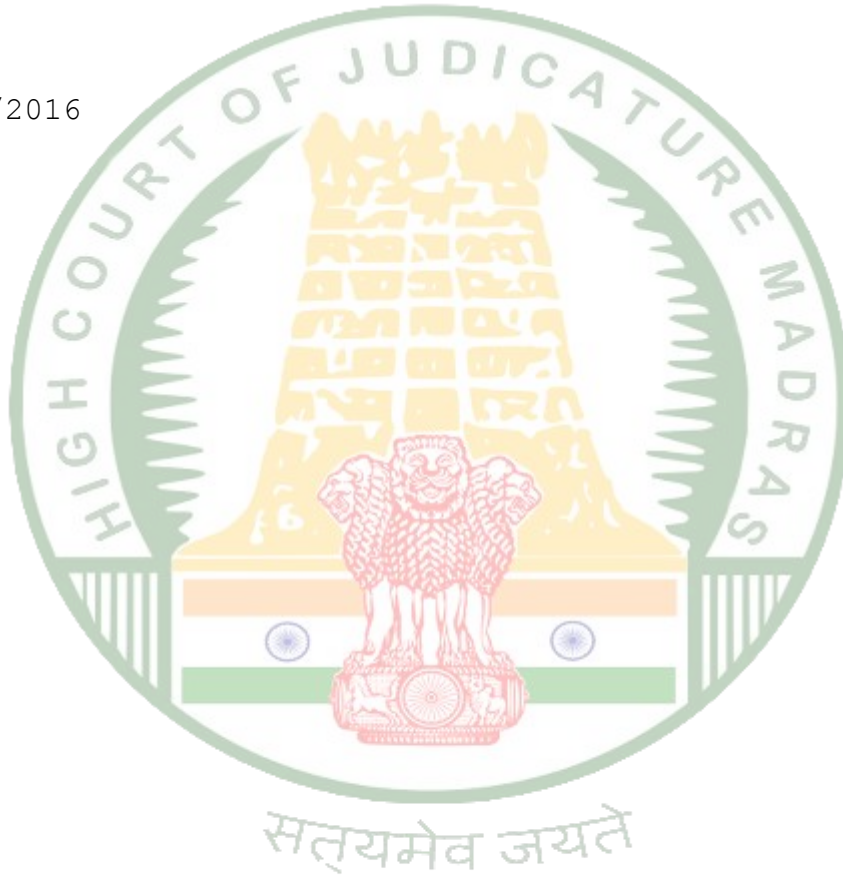
- 1.The Assistant Sessions Judge,
Uthangarai, Krishnagiri District.
- 2.The Assistant Judge,
Vellore, Vellore District.
- 3.State rep.by
The Inspector of Police,
Baarur Police Station,
Krishnagiri District.

4.The Public Prosecutor
High Court, Madras

+lcc to M/S.E.Kannadasan, Advocate sr.48248

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