

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP.No.21217 of 2016

&

Crl.MP.No.9819 of 2016

Kumaran

... Petitioner

Vs

1. The State rep. by
The Inspector of Police,
All Women Police Station,
Cheyyar,
Thiruvannamalai District.
Cr.No. 18 of 2014

2. A. Mohanavalli,
W/o. Kumaran,
Kulathankarai Street,
Sithathur Village,
Cheyyar Taluk. ... Respondents

Prayer:- Criminal Original Petition filed under Section 407 of the Code of Criminal Procedure to withdraw the C.C.No. 31 of 2015 from the file of the Judicial Magistrate, Cheyyar and transfer the same to any other competent Court in Kancheepuram.

For Petitioner :Mr.S.Prabhu

For Respondents :Mr.C.Emalias
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to withdraw the C.C.No.31 of 2015 from the file of the Judicial Magistrate, Cheyyar and transfer the same to any other competent Court in Kancheepuram.

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

3. On a complaint lodged by one Mohanavalli, the respondent police registered a case in Crime No.18 of 2014 and completed the investigation and filed a final report in CC.No. 31 of 2015 before the Judicial Magistrate Court, Cheyyar, under Sections 498-A, 494, 506(1) IPC and Section 4 of the Dowry Prohibition Act and Section 4 TNPHW against four accused. Trial, before the learned Judicial Magistrate Court, Cheyyar, has been commenced and nine witnesses have been examined in-chief, of whom, the accused have cross-examined only three witness.

4. While so, Kumaran (A1), has come before this Court with this petition for a direction to transfer the case from the Judicial Magistrate, Cheyyar, to any other Court on the ground that he was assaulted by the family members of the de-facto complainant on 24.09.2015 in his village. In this regard, on a complaint given by Kumaran, a case in Prammadesam Police Station Crime No.129 of 2015 on 30.09.2015 has been registered under Sections 294(b), 323, 324, 506(1) IPC against Purushothaman, Annamalai, Arumugam and Mani.

5. The learned counsel for the petitioner submitted that the said Annamalai, Arumugam and Mani, who are the accused in Crime No. 129 of 2015 were examined as prosecution witnesses PW2, PW6 and PW4 in C.C. No. 31 of 2015. He further submitted that again, the petitioner was assaulted on 08.03.2016, in connection with which, petition enquiry is pending in Prammadesam Police Station in CSR. No. 53 of 2016.

6. In the considered opinion of this Court, these reasons cannot be a ground for transfer of the case from one Court to another Court. However, the petitioner is entitled to fair trial.

7. Under such circumstances, on the date of hearing of the case, the Inspector of Police, Prammadesam Police Station, is directed to ensure protection to the petitioner during the appearance before the Court and the learned Judicial Magistrate, Cheyyar shall also monitor this aspect. If there is likelihood any other threat to the petitioner, his presence before the trial Court can be dispensed with on condition that the petitioner shall give an affidavit of undertaking before the trial Court that his counsel will cross-examine the witnesses without adopting dilatory tactics and the trial Court is directed to complete the trial within a period of three months

from the date of receipt of a copy of this order.

8. With the above directions, this criminal original petition is closed. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

rts

To

1. The Inspector of Police,
All Women Police Station,
Cheyyar,
Thiruvannamalai District.
2. The Inspector of Police,
Prammadesan Police Station
Cheyyar,
Thiruvannamalai District.
3. The Judicial Magistrate ,
Cheyyar.
4. The Public Prosecutor,
High Court, Madras.

CrI.OP.No.21217 of 2016 and
CrI.MP.No.9819 of 2016

SVI (CO)
MD : 21/10/2016

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