

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.4.2016

CORAM:

THE HON'BLE MR.JUSTICE P.DEVADASS

Cr1.O.P. No.9072 of 2016

K.Sadasivam

... Petitioner

Vs.

State rep. by
Deputy Superintendent of Police,
Vigilance and Anti Corruption,
Salem (Cr.No.4/2013)

... Respondent

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to transfer the case on the file Learned Chief Judicial Magistrate cum Special Judge Namakkal in Special CC.No.23 of 2014 to the Salem district.

For Petitioner : Mr.A.Rajakumar

For Respondent : Mr.P.Govindarajan
Additional Public Prosecutor

O R D E R

The sole accused in the Spl.C.C.No.23 of 2014 on the file of the learned Special Judge under Prevention of Corruption Act/Chief Judicial Magistrate, Namakkal seeks transfer of the calendar case from the said court to the Court of Special Judge under Prevention of Corruption Act, Salem.

2. The learned counsel for the petitioner would submit that the petitioner is suffering under certain ailment. He has permanent disability. It is too difficult for him to travel from Salem to Namakkal. There is a special court in Salem itself. He will face the prosecution in Salem itself. He does not want court in Namakkal, but in Salem. Thus he wants change of venue of trial of the case.

3. On the other hand, the learned Additional Public Prosecutor would submit that it is an attempt to delay the trial. Further, already, he is appearing as an accused in one more criminal case in the very same court. Trial started. P.W.1 has been examined. Next set of witnesses are going to be produced on 06.05.2016.

4. I have anxiously considered the rival submissions and perused the materials on record.

5. Transfer cannot be ordered for mere asking. There are certain grounds upon transfer is being asked for and accorded. The grounds of transfer cannot be proved or accepted to be proved like roving in a case. But there must be some acceptable reasons for transfer. There must be some valid reasons demonstrable to accept it. Any attempt under the garb of transfer to delay the trial cannot be acceded to.

6. The petitioner is an accused in a white collar offence. He is being tried before the learned Special Judge under P.C. Act in Namakkal. Namakkal is not far away from Salem. As between Salem and Namakkal, there are frequent buses. If the petitioner experiences any difficulty in appearing before the trial Court, he can seek condonation of his absence through his counsel by filing an appropriate petition and the trial courts are liberal in accepting those requests when the case is not posted for any effective hearing and when his presence is absolutely not necessary. No valid ground for transfer has been made.

7. Thus, this petition is dismissed with the above observations.

Sd/-

सत्यमेव जयते
Assistant Registrar(CS III)

//True Copy//

WEB COPY

Sub Assistant Registrar

Kua

To

1. The Special Judge under Prevention of Corruption Act/
Chief Judicial Magistrate,
Namakkal.

2. The Deputy Superintendent of Police,
Vigilance and Anti Corruption,
Salem.

3. The Public Prosecutor,
High Court, Madras.

+1cc to the Public Prosecutor, S.R.No.27072

CrI.O.P. No.9072 of 2016

AD(CO)
CA(12.05.2016)



WEB COPY