



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.08.2016

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

Crl.O.P.(MD) No.13747 of 2016

and

Crl.M.P.(MD).No.6405 of 2016

C.Anuradha

... Petitioner/ Defacto complainant

-Vs-

State rep. by the

1.The Inspector of Police,
All Women Police Station,
Ambasamudram,
Tirunelveli District.
(Crime No.7 of 2014)

... 1st respondent/Complainant

2.Navin

... 2nd respondent/ Sole accused

Prayer : Criminal Original Petition filed under Section 407 of the Code of Criminal Procedure, praying to withdraw and transfer the case in S.C.No.29 of 2015 on the file of the learned Additional District and Sessions Judge / Mahila Court, Tirunelveli, Tirunelveli District in connection with Crime No.7 of 2014 on the file of the Inspector of Police, All Women Police Station, Ambasamudram, Tirunelveli District to any other nearby Court which has jurisdiction to deal with the above offences more particularly the learned Additional Sessions Judge, Mahila Court, Nagercoil, Kanyakumari District forthwith.

For Petitioner : Mr.S.Palani Velayutham

For 1st respondent : Mr.P.Kandasamy,
Govt. Advocate (Crl.Side)

O R D E R

The defacto complainant seeks transfer of the Sessions Case No.29 of 2015 on the file of the learned Additional District and Sessions Judge / Mahila Court, Tirunelveli, Tirunelveli District, to any other nearby Court which has jurisdiction to deal with the above offences, more particularly the learned Additional Sessions Judge, Mahila Court, Nagercoil, Kanyakumari District.

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2.The learned counsel for the petitioner would submit that the defacto complainant faces criminal intimidation from the



second respondent, who is the accused in S.C.No.29 of 2015 and therefore, the case may be transferred to some other Court.

3.The learned Government Advocate (Criminal side) would submit that already summons have been issued to witnesses 1 to 6 and hearing is posted today.

4.When the trial is about to commence, this Court is not inclined to transfer the proceedings. However, as the defacto complainant alleged that she faces security threat, that issue need to be addressed. She must have free atmosphere and freedom from fear to depose before the Court below. Therefore, till the examination of the petitioner/ defacto complainant is over i.e., on the dates on which the case is posted for examination / cross examination / reexamination of the defacto complainant, the first respondent is directed to provide adequate and necessary protection to the petitioner / defacto complainant.

5.This Criminal Original Petition is disposed of accordingly. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

gcg

To:

1. The Additional District and Sessions Judge / Mahila Court, Tirunelveli, Tirunelveli District,
2. The Inspector of Police, All Women Police Station, Ambasamudram, Tirunelveli District.
3. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

+1 cc to M/S S.PALANI VELAYUTHAM, Advocate, Sr.No: 42682
jam/18.08.16/SS 3/2P-5C

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