



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2016

CORAM

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP(MD) No.2389 of 2016

and

Crl.M.P. (MD) No.1198 of 2016

1.P.Marutheeswaran

2.Pandi

3.Sangili Raja

..Petitioners/Accused 1 to 3

Vs

State through
The Inspector of Police,
Pattiveeranpatti Police Station,
Dindigul District.

.. Respondent

Prayer:- Criminal Original Petition filed under Section 407 Cr.P.C., to withdraw the case in S.C.No.11 of 2015 on the file of the Principal Assistant Sessions Court at Dindigul and to transfer the same to any other competent Court at Madurai.

For Petitioner :Mr.M.Suresh

For Respondent :Mr.K.V.Rajarajan
Government Advocate(Crl.Side)

O R D E R

This petition has been filed to withdraw the case in S.C.No.11 of 2015 on the file of the Principal Assistant Sessions Court at Dindigul and to transfer the same to any other competent Court at Madurai.

2. Heard the learned counsel for the petitioner and the learned Government Advocate(Crl.Side) appearing for the State.

3. On a reading of the transfer petition, it is alleged by the petitioner that the trial Court has not permitted the Counsel for the petitioner to cross-examine the prosecution witnesses.

4. This Court called for the records of the trial Court and perused the same and finds that sufficient opportunity has been given by the trial Court to the Counsel for the petitioner for cross-examination, despite which the accused has not chosen to cross-examine the prosecution witnesses. Hence, this Court does not find any merit to transfer the case. However if the accused files an application under Section 311 Cr.P.C. for recalling the witnesses within a period of two weeks from the date of receipt of a copy of this order, the same may be liberally considered by the trial Court and opportunity to be given to the petitioner to cross-examine the witnesses.



5. With the above observations, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petition is also dismissed.

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/True copy/

Sd/-

Assistant Registrar(AS)

Sub Assistant Registrar

To

- 1.The Inspector of Police,
Pattiveeranpatti Police Station,
Dindigul District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

sm:sks-rr:03.03.2016:2P/3c

Cr1.OP (MD)No.2389 of 2016
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