

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2017

CORAM

THE HON`BLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P.No.5355 of 2017
Crl. M.P. No. 3979 of 2017

C. Suresh Ananth ... Petitioner / Accused

Vs

The State represented by
Inspector of Police,
Vigilance and Anti-Corruption,
Chennai. ... Respondent / Complainant

Criminal Original Petition filed under Section 407 Cr.P.C to withdraw and transfer the pending trial case in C.C.No.06 of 2014 on the file of the Honóurable Special Judge Court for the cases under Prevention of Corruption Act 1988 at Chennai to some other nearest Special Judge Court of the cases under Prevention of Corruption Act 1988.

For Petitioner : Mr.Babumuthumeeran
For Respondent : Mr.E.Raja
Additional Public Prosecutor

O R D E R

This petition has been filed to transfer the case in C.C.No.06 of 2014 on the file of the Special Judge, for the cases under Prevention of Corruption Act 1988 at Chennai to some other Court.

2. The main allegation of the petitioner in his affidavit is while examining PW-2, the Special Judge has stopped the witness and warned him to depose properly as narrated in 162 Cr.P.C. statement and after completion of PW-3 evidence, the Special Judge has remarked that the trial is almost over and instructed the prosecution to bring the remaining witnesses in the next hearing. Therefore, it is the contention of the petitioner that the trial judge has a biased attitude towards the petitioner and hence, prayed for transfer of the case to same other court.

3. Heard the learned counsel for the petitioner and the learned Additional Public Procecuter and also perused the report of the learned trial judge.

4. On the face of the allegations found in the affidavit it cannot be entertained. If the trial judge, who instructed the prosecution to bring the remaining witnesses to complete the trial is attributed with motive, no trial would see its logical end in the trial courts. Hence, I am of the view that the trial court is vested with absolute power under section 165 of the Indian Evidence Act to put any question at any stage of the proceedings. When such power is being exercised by the trial court, if any motive is attributed against such power the purpose of trial proceedings will be defeated. Hence, the reasons assigned in the petition to transfer the case cannot be entertained.

5. Further, in this case, on the side of the prosecution three witnesses have already been examined and they have also not been cross examined. This fact itself clearly indicate that to protract the proceedings, some how or other this petition has been filed and hence, the same lacks bonafide.

6. Accordingly, this Criminal Original Petition is dismissed with a direction to the trial court to dispose of the case within a period of six months from the date of receipt of copy of this order. Consequently, the connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

mm/vrc

To

1. The Inspector of Police,
Vigilance and Anti-Corruption,
Chennai.
2. The Special Judge for the cases under
Prevention of Corruption Act 1988,
Chennai-104.

+1cc to Mr.Babumuthumeeran, Advocate in Sr.No.39971

Cr1.O.P.No.5355 of 2017

SAI (CO)
NR(12/06/2017)