

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.2194 of 2017

& CRL.MP.No.1549/2017

- 1.Sivaraman
- 2.Senthilkumar @ Kumar
- 3.Madhan
- 4.Jogi
- 5.Karsan
- 6.J.Ravi
- 7.Dharman
- 8.Mahesh
- 9.Ramesh
- 10.Prakash
- 11.Gobi
12. Nandakumar
- 13.Janarthanam
- 14.Sivananthan
15. Sunthari
16. Sunthari
- 17.Indraveni
- 18.Sagunthala
- 19.L.Ravi
- 20.Sivakumar



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Vs.

... Petitioners

- 1.State (Inspector of Police)
E-1, Ooty Rural Police Station,
Nilgiris District,
(Cr.No.15/2014)

- 2.R.Chandran

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to transfer and stay and to withdraw S.C.No.64/2016, from the file of the Court of Mahalir Neethimandram (FTMC) Uthagamandalam, Nilgiris District and transfer the same to any other competent jurisdiction at any other District.

For Petitioners : Mr.J.J.Rajkumar Roberts

For Respondents : Mr.C.Iyyapparaj
Additional Public Prosecutor for R1

Mr.K.V.Sridharan for R2.

ORDER

This petition is filed seeking a direction to transfer and stay and to withdraw S.C.No.64/2016, from the file of the court of Mahalir Neethimandram (FTMC) Uthagamandalam, Nilgiris District and transfer the same to any other competent jurisdiction at any other District.

2. In view of several disputes between the petitioners' party and another party belonging to the second respondent herein, various cases and counter cases have been filed against each other. One such case is S.C.No.64/2016 on the file of the Court of Mahalir Neethimandram (FTMC) Uthagamandalam, Nilgiris District, which is sought to be transferred from the above said court to any other competent jurisdictional court.

3. The learned counsel for the petitioners raised one sole ground for

seeking transfer that in view of the various clashes between the parties resulting in major offence under Sections 307 & 302 IPC, their lives are at danger if they appear before the present court in Mahalir Neethimandram (FTMC) Uthagamandalam, Nilgiris District, from the hands of the defacto complainants' group.

4. The learned counsel for the second respondent, on the other hand, submitted that as on date, peace prevails and as such there is no apprehension of danger for the parties herein to appear before the concerned court.

5. The learned Additional Public Prosecutor appearing for the first respondent also submitted that in case the petitioners apprehend that there might be danger to their lives and properties, it is always open to the petitioners to approach them and the first respondent police shall extend adequate and sufficient police force to safeguard their lives and properties.

6. Since the only ground raised by the petitioners is that they apprehend safety of their lives and properties for the purpose of appearing before the concerned court, it would be appropriate to direct the first

<http://www.judis.nic.in> respondent to extend adequate protection to enable the petitioners to

appear for the proceedings before the concerned court.

7. The Hon'ble Supreme Court in its Judgment reported in **1983 SCC (Cri) 196** has also observed on the same lines, which is extracted as follows in paragraph Nos.5,6 & 7.

5. *The petitioner was present in person. Though he argued as a party in person, he is a member of the legal profession and he canvassed all possible contentions in support of the transfer petition.*

6. *The solitary ground urged is that if the petitioner is asked to go to Pune where on his admission he has a house, his safety would be in a danger. This is too nebulous a ground for transferring a case from Pune to Indore. It may be noted that all four witnesses are from Pune. But we must also take necessary precaution for assuring the safety of the petitioner when he is required to attend the court at Pune.*

7. *Mr. Handa, learned Advocate who appeared for the State of Maharashtra stated that the State would extend all possible facilities as directed by this Court to ensure the safety and security of the petitioner. That should put an end to any apprehension on our part about the safety and security of the petitioner and would also knock out the ground on which the petition for transfer is founded.*

In view of the submissions made by the learned Additional Public Prosecutor, this court is of the opinion that transfer is not warranted.

In the result, the Criminal Original Petition is dismissed.
Consequently, connected miscellaneous petition is closed.

11.12.2017

gv

To

1.State (Inspector of Police)
E-1, Ooty Rural Police Station,
Nilgiris District,

2.The Public Prosecutor,
High Court, Madras.

सत्यमेव जयते

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M.S.RAMESH.J.,

gv



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