



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:16.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

CRL.O.P.(MD)No.10690 of 2017

and

CRL.M.P.(MD)No.7327 of 2017

WEB COPY

C.Tamilselvan

... Petitioner/Defacto Complainant

-Vs-

The Deputy Superintendent of Police

Thiruvidaimaruthur Sub Division

Thanjavur District.

... Respondent/Complainant

PRAYER: Criminal Original petition filed under Section 407 of Criminal Procedure Code, to withdraw S.C.No.4 of 2014 from the file of Additional Sessions Judge (PCR Court), Thanjavur and transfer the same either to the Principal Sessions Court, Trichy or to any such competent court.

For Petitioner : Mr.C.Ganesh Kumar

For Respondent : Mr.C.Mayilvahana Rajendran

Assistant Public Prosecutor

O R D E R

This criminal original petition is filed to withdraw the case in S.C.No.4 of 2014 from the file of the Additional Sessions Judge (PCR Court), Thanjavur and transfer the same either to the Principal Sessions Judge, Trichy or to any such competent court.

2.It is stated by the petitioner that the petitioner is P.W.1 in the above said criminal case and without issuing witness summons to the petitioner, the court below issues summons to the other witnesses and proceed with the trial. Apprehending that he may not get fair justice, the present criminal original petition has been filed.

3.The learned Assistant Public Prosecutor appearing for the respondent submitted that the court below issued witness summon to all the witness, but only the petitioner and some other witnesses did not appear. In the above said circumstances, the court below issued a witness warrant to the petitioner and other witnesses and the warrant is also pending.



4.Considering the fact that it is only because of the petitioner's non cooperation, the court below compelled to issue summons to other witnesses.

5.The learned Assistant Public Prosecutor further submitted that the matter is posted for trial on 04.12.2017.

6.Considering the fact that the C.C. is of the year 2014 and the matter is posted for trial on 04.12.2017, all the witnesses against whom warrants are pending, are directed to appear before the court below on 04.12.2017. On such appearance, the court below is directed to proceed with the trial. Any witnesses against whom the warrant is pending failed to appear before the Court, on that date, it is open to the trial court to execute the warrant.

7.With the above direction, this criminal original petition is disposed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

1.The Additional Sessions Judge(PCR Court), Thanjavur.

2.The Deputy Superintendent of Police
Thiruvidadimaruthur Sub Division
Thanjavur District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/S.C.GANESH KUMAR, Advocate SR.No.72977

sss/skn

MAS/KK/SAR2:11.09.2017:2P-5C

CRL.O.P.(MD)No.10690 of 2017
and
CRL.M.P.(MD)No.7327 of 2017
16.08.2017



WEB COPY

16.08.2017