

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.20245 of 2018
and CRL.M.P.No.10840 of 2018

S.Yuvaraj ... Petitioner/Accused No.1

Vs

State rep. by its
Additional Superintendent of Police,
SID,CBCID,
Namakkal,
Namakkal District. ... Respondent/Complainant

Criminal Original Petition filed under Section 482 Cr.P.C.,
prayed that this Honourable High Court may call for the records
relating to the proceedings in SC.No.78 of 2016 on the file of
Principal Sessions Judge, Namakkal, Special Court constituted
under Scheduled Cases and the Schedule Tribes (Prevention of
Atrocities) Act 1989 and to transfer the S.C.No.78 of 2016 on th
file of Principle Sessions Judge, Namakkal, Special Court
constituted under Scheduled Cases and the Schedule Tribes
(Prevention of Atrocities) Act 1989 to any other competent in
any other district of the state.

For Petitioner : Mr.Ramamurthy, Senior Counsel
for Mr.A.Ashvathaman

For Respondent : Mr.C.Raghavan, Govt. Advocate

ORDER

The petitioner is A1 in S.C.No.78 of 2016 for the offences
under Section 363, 202, 212 IPC r/w 3(2)(v) of the SC/ST Act.
While so, making allegations against the Presiding Officer, this
transfer petition has been filed by the petitioner.

2.Heard Mr.Ramamurthy learned counsel appearing for the
petitioner and perused the materials placed on record.

3.It is seen that this petitioner was granted bail by this
court and aggrieved by the order, the State went to the Supreme
Court and the Supreme Court was pleased to cancel the bail with
a further direction to the trial court to decide the case as

expeditiously as possible in any case not later than 18 months from the date the copy of the order is produced before it. While so, it is the grievance of the petitioner that the trial Court had cancelled the bail of the co-accused for the alleged misbehaviour of A1 and therefore, there is an apprehension in the mind of the petitioner that they will not get justice before the trial Court.

4.However, on a reading of the application filed by the prosecution for cancellation of bail, it is seen that this petitioner has been abusing the trial Judge and has been intimidating the trial Judge by saying that the trial Judge will be put in jail. As regards the co-accused, they were basking under the intimidation by this petitioner and were absconding and preventing the trial Judge from even framing the charges.

5.In such view of the matter, this is not a fit case to transfer the trial, especially, in the light of the directions of the Supreme Court to the trial Court to complete the trial within 18 months. Hence, this petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1.The Principal Sessions Judge,
Namakkal.
Special Court Under SC/ST Act.

2.Additional Superintendent of Police,
SID,CBCID,
Namakkal,
Namakkal District.

3.The Public Prosecutor,
High Court of Madras.

+1cc to Mr.A.Ashvathaman, Advocate sr.no.56490

CRL.OP.No.20245 of 2018

nr 21/08/2018