

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2018

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.2952 of 2016
and Crl.M.P.No.5793 of 2018

Vasuki

... Petitioner

Vs.

1. The District Collector,
Nagapattinam District,
Nagapattinam.

2. The Inspector of Police,
Anaikaran Chathiram Police Station,
Nagapattinam District.
(Crime No.623 of 2003)

3. Poopathy

4. Muthu @ Muthu Tamilarasan

... Respondents

PRAYER: The Criminal Original Petition has been filed under Section 407 Criminal Procedure Code to transfer the case in S.C.No.64 of 2015 on the file of the Court of Sessions, Nagapattinam to Court of Sessions, Trichirapalli.

For Petitioner : Mr.R.Sankarasubbu

For 1st & 2nd

Respondents

: Mr.M.Mohamed Riyaz

Additional Public Prosecutor

For 3rd & 4th : Mr.C.Prabakaran

Respondents

O R D E R

The present Criminal Original Petition has been filed seeking to transfer the proceedings in S.C.No.64 of 2015 pending

on the file of the Court of Sessions, Nagapattinam, to Court of Sessions, Trichirapalli.

2. The petitioner is the defacto complainant and based on the complaint given by the defacto complainant, an FIR was registered in Crime No.623 of 2003 for the offences under Section 341, 324, 326, 307, 302 r/w 120(b) and 109 IPC and the same was committed and taken on file in S.C.No.64 of 2015 on the file of the Court of Sessions, Nagapattinam.

3. The learned counsel appearing for the petitioner would submit that the accused persons are powerful persons in the locality and therefore, they have intimated the prosecution witnesses that they have to become hostile. The learned counsel would further submit that the fair trial cannot be conducted before the Court of Sessions at Nagapattinam due to the influence that is made by the accused persons.

4. The learned Additional Public Prosecutor would submit that there are totally 32 witnesses, who will have to be examined as witnesses in this case and the respondent police is taking all steps to ensure that none of the witnesses are threatened and steps will be taken against the accused persons who indulge in causing any threat to any of the witnesses. The learned Additional Public Prosecutor would further submit that the Session Case is pending from the year 2015 and therefore, directions may be issued for the earlier disposal of the case.

5. The learned counsel appearing for the 3rd and 4th respondents submitted that the entire allegation made by the petitioner is false and none of the accused persons have indulged in threatening any of the witnesses. The learned counsel would further submit that the said allegation was made only to cause prejudice against the accused persons.

6. This Court has carefully considered the submissions made on the either side.

7. In view of the categorical stand taken by the Additional Public Prosecutor and the learned counsel appearing for the 3rd and 4th respondents, this Court is of the considered view that the proceedings can continue before the Court of Sessions at Nagapattinam. The learned Sessions Judge, Nagapattinam, is also directed to ensure that none of the witnesses are threatened and they give their evidence before the Court without any fear.

8. The Criminal Original petition is disposed of with a direction to the Court of Sessions, Nagapattinam, to complete

the proceedings in S.C.No.64 of 2015 within a period of six (6) months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

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To

1. The Sessions Judge, Court of Sessions,
Nagapattinam.
2. The District Collector,
Nagapattinam District,
Nagapattinam.
3. The Inspector of Police,
Anaikaran Chathiram Police Station,
Nagapattinam District.
4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.C.Prabakaran, Advocate SR.No.86432

Crl.O.P.No.2952 of 2016
and Crl.M.P.No.5793 of 2018

NMI (CO)
GMY (09/01/2019)

सत्यमेव जयते

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