

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.20487 of 2018

Dashwanth

.. Petitioner

Vs

State Rep. by
Inspector of Police,
Kundrathur Police Station,
Chennai.

.. Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records in S.C.No.23 of 2018 on the file of learned Sessions Judge, Mahila Court, Chengalpet and be pleased to transfer the case in S.C.No.23 of 2018 to any other competent court having jurisdiction as this Hon'ble Court.

For Petitioner : Mr.S.Manuraj
for Mr.Ninni Susan Thomas

For Respondent : Mr.C.Raghavan
Govt. Advocate

O R D E R

The petitioner is a death row convict, having been sentenced to death in Spl.C.C.No.33 of 2017 on 19.02.2018 by the Mahila Court, Chengalpet and the death reference has also been confirmed by the High Court. While this petitioner was on bail in Spl.S.C.No.33 of 2017, it is alleged that he had caused the death of his mother, pursuant to which, a case in Kundrathur PS Crime No.2843 of 2017 was registered and after completing the investigation, Final Report was filed before the Judicial Magistrate, Sriperumbudur and the case now stands trial before the Mahila Court, Chengalpet in S.C.No.23 of 2018. While so, the petitioner has come up with this transfer petition contending that since he has been sentenced to death by the Mahila Judge, the same Judge may not try the second case.

2.Heard Mr.Manuraj, learned counsel for the petitioner who submitted that the death sentence awarded by the Mahila Court has been confirmed by the Division Bench of this Court on 10.07.2018. But, however, since trial in S.C.No.23 of 2018 is pending, sentence of death is yet to be executed. He also contended that since Mahila Judge had awarded the death

sentence, interest of justice will be served, if the trial in S.C.No.23 of 2018 is held by another Judge.

3.Per contra, learned Government Advocate submitted that this cannot be a good reason for transfer of the case.

4.Today, Mr.K.Murugan, SSI, T-13, Kundrathur PS is present before this Court.

5.This Court gave its anxious consideration to the rival submissions. Though no allegations have been made by the petitioner against the Presiding Officer of the Mahila Court, yet there appears to be some force in the submission of the learned counsel for the petitioner, inasmuch as, the petitioner is only seeking a fair trial in respect of the case relating to S.C.No.23 of 2018.

6.In the peculiar facts and circumstances of the case, this Court directs the transfer of S.C.No.23 of 2018 from the Mahila Court, Chengalpet to the Principal District and Session Judge, Chengalpet. Since charges have been framed, the trial has to begin with the examination of the prosecution witnesses. This Court directs the Mahila Court, Chengalpet to transfer the records and the case properties to the file of the Principal District and Session Judge, Chengalpet within a period of one week from the date of receipt of a copy of this order and the learned Principal District and Session Judge, Chengalpet is directed to complete the trial as expeditiously as possible.

With the above direction, this petition is ordered accordingly.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

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To

1.Principal District and Session Court,
Chengalpet.

2.Mahila Court, Chengalpet.

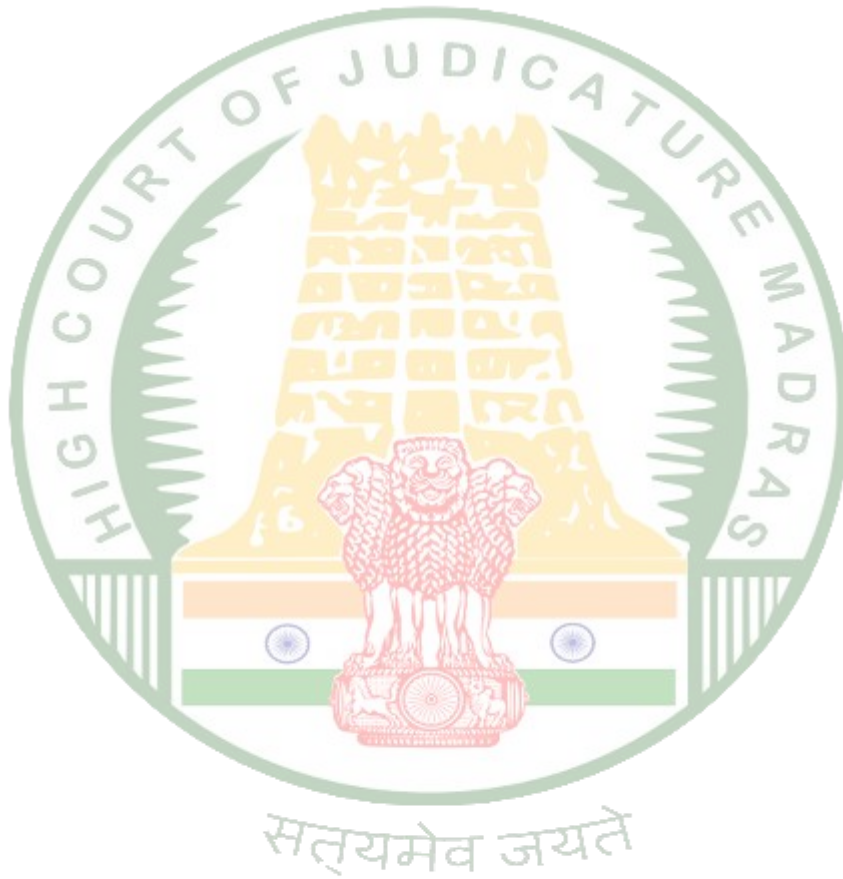
3.Inspector of Police,
Kundrathur Police Station,
Chennai.

4.The Public Prosecutor,
High Court, Madras.

+1 CC to Vadhana Baskar, advocate sr 57407.

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SP(06/09/2018)



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