



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.09.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.21572 of 2018

M.Chandrasekar @ Chandru

.. Petitioner

Vs

The Sub-Inspector of Police,
Thirukkalar Police Station,
Thirukkalar,
Thiruvarur - District

.. Respondent

Criminal Original Petition filed under Section 482 Cr.P.C.,
praying to pass an order to transfer the S.C.No.2 of 2018 on the
file of Addl. Sessions Court Thiruvarur to the Mahila Court
Nagapattinam.

For Petitioner	:	Mr.M.Senthil
For Respondent	:	Ms.M.Prabhavathi, APP

O R D E R

This petition has been to transfer the case in S.C.No.2 of 2018 from the file of Addl. Sessions Court, Thiruvarur to the file of Mahila Court, Nagapattinam.

2.The petitioner is facing prosecution in S.C.No.2 of 2018 before the Mahila Court, Sessions level, Thiruvarur for the offences under Section 366 IPC r/w Section 6 and 5 of POSCO Act. While so, the petitioner has filed the present petition for transfer of the trial from the Court of the Mahila Judge, Thiruvarur to any other Court, on the ground that the father of the victim girl by name Shanmugavel is the driver of the Mahila Judge.

3.On the first blush, this Court felt the reasonableness, in the request of the accused. However, report called for from the District Court shows that the driver of the Mahila Judge is one Suresh Kumar and that, Shanmugavel is not a driver of the Mahila Judge. But however, he is the driver for the District Judge.



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It is further reported that when the witnesses were summoned, the counsel for the accused appears to have filed a memo before the Court, stating that they are moving High Court for transfer and thereby, they successfully prevented the examination of witnesses.

4. Since, this petition has been filed by misrepresentation, this petition is dismissed with cost of Rs.10,000/- [Rupees Ten Thousand only] payable to the Tamil Nadu State Legal Services Authority, High Court, Madras within four weeks from the date of receipt of a copy of this order. The trial Court shall proceed with the trial in S.C.No.2 of 2018 expeditiously. If the petitioner adopts any dilatory tactics, his bail can be cancelled and remand to custody, in the light of the law laid down by the Supreme Court in State of U.P. Vs Shambunath Singh JT (2001 [4] SC 319).

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

dua/gya

To

1.Mahila Court,(Additional Sessions Court),
Sessions level, Thiruvavarur.

2.The Sub-Inspector of Police,
Thirukkalar Police Station,
Thirukkalar,
Thiruvavarur - District

3.The Public Prosecutor,
High Court, Madras.

4.The Member Secretary,
Tamil Nadu State Legal Services Authority,
High Court, Chennai.

+1cc to Mr.M.Senthil, Advocate, S.R.No.61967

CRL.OP.No.21572 of 2018

rrs 10/09/2018