

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.09.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.20842 of 2018

Arumugam

.. Petitioner/Accused

Vs

Inspector of Police,
Madukkarai,
Coimbatore.

.. Respondent/Complainant

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to transfer the S.C.No.57/2017 from the III Additional Sessions Judge Coimbatore to any other competent court of the Coimbatore District.

For Petitioner : Mr.C. Deivasigamani

For Respondent : Mr.C.Raghavan, GA

O R D E R

The petitioner is facing a prosecution in S.C.No.57 of 2017 for the offences under Section 302 IPC before the III Assistant District and Sessions Judge, Coimbatore. The case of the petitioner can be best explained by extracting what is stated in paragraph No.4 and 5.

"4.I submit that, at the time of cross examination of PW-1 my counsel questioned when the signatures found in the first Information Report and the first information are that of the prosecution witness. The witness has told that both are her signatures when my counsel showed the signatures found in the first Information and the first Information Report. The prosecution witness No.1 and whether both the signatures are signed by the one and the same person and whether both the signatures are similar. The witness has said that both of the signature are similar. But they appear to be not similar even when they are looked at with naked eye.

5.The witness has been treated as hostile. The Public Prosecutor has not given any reasons for treating the prosecution witness as hostile. The Court also has not given any reason for treating the witness hostile. Simply for asking it has been allowed and in

the cross examination what has not been stated by the witness in the box has been introduced to fill up the prosecution case, which is unfair impartial and illegal. If this kind of treating the witness as hostile and introducing facts which the witness has not stated is allowed it would be mocking of trial and no accused can be acquitted."

2.In the opinion of this Court, the aforesaid reasons cannot be a good ground for transfer of a murder case. Hence, this petition is devoid of merits and dismissed.

Sd/-

Assistant Registrar(CO)

// True Copy//

Sub Assistant Registrar

vsn/gya

To

1.The III Additional sessions Judge,
Coimbatore.

2.Inspector of Police,
Madukkarai, Coimbatore.

3.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.C.Deivasigamani, Advocate SR.No.60730

SR(CO)

RMP(24/09/2018)

CRL.OP.No.20842 of 2018

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