

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.06.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Cr1.O.P.No.22391 of 2017

P.Ramakrishnan

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Kalasappakkam Police Station,
Kalasappakkam,
Tiruvannamalai District.

... Respondent

Criminal Original Petition filed under Section 407 Cr.P.C to issue an order of transfer transferring the trial in S.C.No.106 of 2014 on the file of the learned District and Sessions Judge, Tiruvannamalai to some other nearby District and also to complete the trial within a stipulated period as fixed by this Hon'ble Court.

For Petitioner : Mr.S.Kumara Devan

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

O R D E R

This Criminal Original Petition has been filed seeking direction to transfer the trial in S.C.No.106 of 2014 from the file of the District and Sessions Court, Tiruvannamalai to some other nearby District and also to complete the trial within a stipulated period as fixed by this Court.

2.Heard the learned counsel appearing for the petitioner; the learned Government Advocate appearing for the respondent and perused the materials placed on record.

3.The petitioner is the de facto complainant in S.C.No.106 of 2014 that is pending on the file of the District and Sessions Court, Tiruvannamalai.

4.When the matter was taken up for hearing, learned Government Advocate submitted that prosecution has examined 23 witnesses out of 35 witnesses.

5.In such view of the matter, this is not a fit case to transfer the trial to any other court, because the new Judge will not be able to appreciate the demeanour of the witnesses, who had already given evidence. Hence, this petition is closed with a direction to the trial Court to expeditiously complete the trial. If the accused adopts any dilatory tactics, the trial Court can remand them to custody as laid down by the Supreme Court in State of Uttarpradesh Vs Shambhu Nath Singh reported in JT 2001[4] SC 319. If any of the accused absconds, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
Assistant Registrar(CS VII)

//True copy//

Sub Assistant Registrar

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To

1.The District and Sessions Court,
Tiruvannamalai.

2.The Inspector of Police,
Kalasappakkam Police Station,
Kalasappakkam, Tiruvannamalai District.

3.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.S.Kumara Deven, Advocate SR.No.39409

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GN(04/07/2018)