

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Cr1.O.P.No.20996 of 2018

R.Loganathan

... Petitioner

Vs

1.M.Sadiq Basha

2.State rep. by
The Inspector of Police,
Pattabiram Police Station,
Chennai-72.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C., praying to withdraw and transfer the SC.No.128 of 2017 on the file of the learned Magalir Neethimandram [Fast Track Mahila Court], Thiruvallur District to Mahila Court, Chennai-104 of competent jurisdiction to try the same.

For Petitioner : Mr.J.Srinivasan

For 2nd Respondent : Mr.C.Raghavan, GA

O R D E R

On the complaint lodged by the petitioner, the respondent Police registered a case in Crime No.800 of 2017 and after completing the investigation, have filed a Charge Sheet against the 1st respondent and two others and the case is now pending in SC.No.128 of 2017 before the Mahila Court [Sessions Level], Thiruvallur District for the offences under Section 366, 506[2], 452, 365, 343 r/w 34 and 109 IPC. It is the grievance of the petitioner that his daughter was abducted by the 1st respondent with an intention of abusing her and with the help of the Police, the petitioner secured his daughter back. It is the contention of the petitioner that the 1st accused is continuously threatening the petitioner's daughter and is intimidating her to turn hostile to the prosecution case. Hence, the petitioner is before this Court with the above prayer.

2.Heard Mr.J.Srinivasan, learned counsel for the petitioner and perused the materials placed on record.

3.In the opinion of this Court, on the grounds alleged, this is not a fit case to transfer the trial from Thiruvallur to Chennai District, inasmuch as, most of the prosecution witnesses hail from the places, in and around Thiruvallur District. However, this Court gives liberty to the petitioner to approach the trial Court, in the event of continuation of threat and it is open to the trial Court to cancel the bail of the accused and remand him to custody under Section 309 Cr.P.C., if the allegation so warrants.

4.In fact, while granting bail to the accused in CrI.O.P.No.15476 of 2017 dated 07.08.2017, this Court has given liberty to the trial Court to cancel the bail by relying upon P.K.Shaji Vs. State of Kerala [(2005)AIR SCW 5560]. The 2nd respondent Police and the trial Court shall ensure that no harm befalls the petitioner and his daughter and that, when they come to give evidence, they shall be afforded sufficient protection and if required, the law laid down by the Supreme Court in SAKSHI Vs UNION OF INDIA (AIR 2004 SC 3566) to be followed. The trial Court shall ensure that the victim is cross-examined on the day, she is examined in-chief by following the law laid down by the Supreme Court in Vinodh Kumar Vs State of Punjab (2015[1] MLJ [CrI] 288). If the accused adopts any dilatory tactics, 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).

With the above direction, this petition is closed.

Sd/-

Deputy Registrar

//True Copy//

Sub Assistant Registrar

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To

1.Magalir Neethimandram [FTC],
Thiruvallur District.

2.The Inspector of Police,
Pattabiram Police Station,
Chennai-72.

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3.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.J.Srinivasan, Advocate, S.R.No.59101.

CrI.O.P.No.20996 of 2018

rrs 10/09/2018



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