

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2018

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.Nos.2230 to 2232 of 2018

1. M.Ramasamy ... Petitioner in Crl.O.P.No.2230/2018
2. C.Narayanan ... Petitioner in Crl.O.P.No.2231/2018
3. P.Manimozhi ... Petitioner in Crl.O.P.No.2232/2018

Vs.

The State Rep.by
The Inspector of Police,
Vigilance and Anti-Corruption,
Tiruchirapalli.
(Cr No.18/07 & 03/04)

... Respondent in Crl.O.P.Nos.2230 to 2231/2018

THE STATE REP. BY
THE INSPECTOR OF POLICE VIGILANCE AND ANTI-
CORRUPTION THANJAVUR. CR.NO.13 OF 2012

..Respondent in Crl.O.P.Nos.2232/2018.

Common Prayer: Criminal Original Petition filed under Section 407(1) (a) of Criminal Procedure Code, to withdraw the case in Spl.C.C.No.16 of 2012, Spl.C.C.No.1 of 2012 and Spl.C.C.No.4 of 2013 respectively on the file of the learned Chief Judicial Magistrate and Special Judge, Ariyalur, Ariyalur District and transfer the same to the competent Court in the nearby District.

For Petitioners : Mr.A.Saravanan

For Respondent : Mr.P.Govindarajan
Additional Public Prosecutor

COMMON ORDER

The petitioner seeks transfer of Spl.C.C.No.16 of 2012, Spl.C.C.No.1 of 2012 and Spl.C.C.No.4 of 2013 on the file of the learned Chief Judicial Magistrate and Special Judge, Ariyalur. The reason stated for seeking transfer is that on 08.01.2018, when these cases along with the Spl.C.C.No.14/2012 was called, the Presiding Officer got infuriated. When the learned counsel appearing for Spl.C.C.No.14/2012 represented that his client is intended to file revision against order

passed in the trial Court on a memo filed by the prosecution, which was allowed on 08.01.2018. As a result, the petitioner/accused has entertained doubt about the impartiality of the Judge and hence seeks transfer.

2. Heard, the learned counsel for the petitioner and perused the affidavit. From the affidavit, this Court finds that the Court has not passed any order on 08.01.2018 which given rise to apprehension in the mind of the petitioner that the Judge will not be impartial. In fact he has expressed that it is only in Spl.C.C.No.14/2012, the client has intended to go for revision and not in other three cases. Therefore, he has adjourned the matter.

3. In the opinion of this Court, mere expression informing the parties to bring the witnesses on particular day and they have to meet consequences of act of partiality. The issue of the case reveals that the report in this case was taken on file on 05.09.2008 in Spl.C.C.No.3/2008. Thereafter, due to bifurcation of the Districts, the same has been transferred and renumbered as Spl.C.C.No.4/13, 16/12 and 1/2012. Thus, the case which is nearly ten years old sought to be completed by the Presiding Officer, cannot be found fault. Hence, petition are dismissed.

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

AT
To

1. The Inspector of Police,
Vigilance and Anti-Corruption,
Tiruchirapalli.
2. THE INSPECTOR OF POLICE VIGILANCE AND ANTI-
CORRUPTION THANJAVUR. CR.NO.13 OF 201
3. The Public Prosecutor,
High Court, Madras.
4. The Chief Judicial Magistrate and Special Judge
Ariyalur, Ariyalur District.

+1 CC to Mr.G. Saravanan, advocate sr 6715.

Cr1.O.P.Nos.2230 to 2232 of 2018

KS(CO)
SP(19/02/2018)