

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.06.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.16028 of 2018

Roselin Ananthi

..
Petitioner

Vs

The State rep. by its
The Inspector of Police,
Kallakurichi Police Station,
Villupuram District.

.. Respondent

Criminal Original Petition filed under Section 407 Cr.P.C.,
praying for a direction to withdraw and transfer S.C.No.96 of
2018 from the Additional District Judge, Kallakurichi to any
District Judge of Coimbatore District for fair and speedy
disposal in time bound period.

For Petitioner : Mr.K.Mohanamurali
For Respondent : Mr.C.Raghavan, Govt. Advocate

O R D E R

This petition has been filed seeking a direction to transfer
the case in S.C.No.96 of 2018 from the file of the Additional
District Court, Kallakurichi to any District Court of Coimbatore
District for fair and speedy disposal.

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's husband was murdered. Pursuant to which,
a case in Kallakurichi Police Station Crime No.363 of 2017 was
registered and after investigation, final report was filed
before the jurisdictional magistrate. After committal, the case
is now pending trial in S.C.No.96 of 2018 before the Additional
District Judge, Kallakurichi for the offences under Sections
147, 148, 364, 302, 120B, 449, 386, 201 and 149 IPC against
eight accused. While so, the petitioner who is the widow of the
deceased has filed this transfer petition on the ground that she
is constantly facing threat from the accused and that she is not
able to go to her own property in Kallakurichi.

4.It is seen that most of the witnesses in this case are from Kallakurichi and therefore, it will not be advisable to transfer the case to Coimbatore. However, the petitioner and the prosecution witnesses should be given sufficient protection by the Police, so that they come and give evidence without fear.

5.The Superintendent of Police, Villupuram and the Inspector of Police, Kallakurichi is directed to provide sufficient protection to the petitioner and the prosecution witnesses. If any complaint of intimidation is received, the respondent police shall register an FIR against the accused and take action against them. This Court also directs the Additional District Judge, Kallakurichi to ensure that the widow of the deceased and the other prosecution witnesses are given sufficient protection.

6.If it comes to the notice of the trial Court that the accused are tampering with the evidence, the trial Court can remand them to custody under Section 309 Cr.P.C., in the light of the law laid down by the Supreme Court in State of Uttarpradesh Vs Shambu Nath Singh reported in JT 2001[4] SC 319. If any of the accused absconds, a fresh FIR can be registered under Section 229A IPC. The accused shall cross-examine the witnesses on the day when they are examined in-chief as held by the Supreme Court in Vinodh Kumar Vs State of Punjab reported in 2015[1] MLJ [Crl] 288.

With the above direction, this petition is ordered accordingly.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

1.The Additional District Judge,
Kallakurichi.

2.The Superintendent of Police,
Villupuram District.

3.The Inspector of Police,
Kallakurichi Police Station,
Villupuram District.

4.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.K.Mohanamurali, Advocate sr.no.39193

CRL.OP.No.16028 of 2018

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nr 22/06/2018



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