

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.10.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.23793 of 2018
and CRL.M.P.No.13452 of 2018

M.K.Vijayakumar

Petitioner

Vs

The Inspector of Police,
Vridhachalam Town Police Station,
Vridhachalam.

Respondent

PRAYER: Criminal Original Petition filed under Section 407 Cr.P.C., praying to transfer the case in S.C.No.267/2018 from Mahila Court, Cuddalore to Mahila Court, Villupuram.

For Petitioner: Mr.M.K.Vijayakumar (Party in person)

For Respondent: Ms.M.Prabhavathi,
Additional Public Prosecutor

O R D E R

It is the case of the prosecution that the minor girl X was enticed by Sathish (A1) on the promise of marrying her and she was made to come to a place fixed by Sathish on 26.05.2013. When she came to the place, it was alleged that she was kidnapped by the other accused, including Sathish and was taken to the house of K.Vijayakumar (A2). The petitioner is said to have called the father of the minor girl and demanded a sum of Rs.1,00,000/- as ransom. The father of the minor girl lodged a complaint for girl missing and after this demand, the police kept trap under which the father of the girl agreed to pay Rs.50,000/-; the father brought Rs.50,000/- on 28.05.2018 at Annamalai Hotel in Villupuram and when the money was handed over, the police encircled the accused and arrested all of them, including the petitioner herein. After completing the investigation, the police have filed the charge sheet and the case is now pending trial in S.C.No.267 of 2015 before the Mahila Court, Cuddalore. While so, the petitioner is before this Court for transfer of the case making certain allegations against the Judicial Officer.

2.The petitioner who appeared in person submitted that he is an Advocate practising in Villupuram and that he was abducted by the police from Villupuram and was produced before the Magistrate in Cuddalore in violation of Article 20 of the Constitution of India. He also submitted that the Sessions Judge had issued warrant against him, though his petition in Crl.M.P.No.1728 of 2016 is pending.

3.In the opinion of this Court, the allegations made against the Trial Court Judge are imaginary and frivolous in nature. The petitioner has been doing everything possible to scuttle the progress of trial. The allegations against the petitioner is that he was a conspirator to hold the victim girl for ransom and all of them were caught by the police at Annamalai Hotel when Rs.50,000/- was being transacted. The petitioner disputed the said contentions.

4.In the opinion of this Court, these are all disputed questions of fact which cannot be gone into in a transfer application.

5.In the result, this transfer application is devoid of merits and dismissed accordingly. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1.The Judge,
Mahila Court, Cuddalore

2.The Judge,
Mahila Court, Villupuram.

3.The Public Prosecutor,
High Court, Madras.

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srg 12/11/2018