

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.10.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.24051 of 2018
and CRL.M.P.No.13582 of 2018

K.Salman

Petitioner

Vs

1.The State rep. By its
The Inspector of Police,
All Women Police Station,
Perambalur.

2.K.Revathy

Respondents

PRAYER: Criminal Original Petition filed under Section 407 Cr.P.C., praying to transfer the Sessions Case in S.C.No.14 of 2014 on the file of the Special Judge, Mahila Court, Perambalur to Special Judge, Mahila Court, Trichy or any other Sessions Division of the Mahila Court and try the same.

For Petitioner : Mr.C.Samivel

For Respondents : Ms.M.Prabhavathi, (For R1)
Additional Public Prosecutor

O R D E R

The petitioner is accused in S.C.No.14 of 2014 for an offence under Sections 376, 294 (b), 417 and 506 (1) I.P.C before the Mahila Court, Perambalur. PW.1 to PW.10 have been examined and only two more witnesses have to be examined. While so, the petitioner has filed the present transfer application.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the 1st respondent.

3.The learned counsel for the petitioner submitted that the victim is coming for all the hearing dates to the Court and sitting and is making representation to the Judge and therefore, the accused apprehends that he will not get a fair trial.

4.In the opinion of this Court, the victim was an orphan in our criminal justice system until 31.12.2009. The Code has been amended by Act 5 of 2009 with effect from 31.12.2009 and

at present, the victim has a say in the criminal prosecution. Therefore, the Trial Court cannot prevent the victim from coming to the Court and watching the proceedings, because the Court is a public place and trial should be conducted openly. This Court is confident that the Trial Judge will not be influenced in any way by the mere presence or representation of the victim and that the Trial Judge will decide the case on merits based on the evidences on record.

Hence, this petition is devoid of merits and accordingly dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

gsa

To

1.The Inspector of Police,
The State of Tamil Nadu,
All Women Police Station,
Perambalur.

2.The Special Judge,
Mahila Court, Perambalur.

3.The Public Prosecutor,
High Court,
Madras.

+1cc to Mr.Samivel Advocate SR.No.70871

MG(CO)

sm:1.11.2018

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