



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:28.02.2018

CORAM:

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

CRL.O.P.(MD)No.12822 of 2014

and

MP(MD)No.1 of 2014

WEB COPY

Tamil Selvi

: Petitioner/Defacto
complainant

-Vs-

State represented by

1. The Inspector of Police,
Keel Velloor Police Station,
Keel Velloor,
Nagapattinam District.

...1st Respondent/Complainant

2.Bharathi

... 2nd Respondent/Accused

PRAYER: Criminal Original petition filed under Section 407 of Criminal Procedure Code, to withdraw S.C.No.156 of 2013 pending on the file of the learned Nagapattinam District Mahila Fast Track Court, Nagapattinam to the learned III-Additional District and Sessions Judge (PCR), Thanjavur for the purpose of joint trial along with S.S.C.No.86 of 2013 on the file of the learned III-Additional District and Sessions Judge (PCR), Thanjavur.

For Petitioner : Mr.T.A.Ebenezer

For 1st Respondent : Mr.A.P.G.Ohm Chairma Prabhu,
Government Advocate(Crl.Side)

For 2nd Respondent : No Appearance

O R D E R

This Criminal Original Petition has been filed by the defacto-complainant to transfer the case in S.C.No.156 of 2013 from the file of the Sessions Court (Mahila Court), Nagapattinam to the file of the III-Additional District and Sessions Judge (PCR), Thanjavur to try along with Special S.C.No.86 of 2013.

2.The learned counsel appearing for the petitioner has submitted that based on the complaint given by the petitioner herein, the first respondent has registered a case in Crime No.96 of 2012 under section 294(b), 324 and 307 I.P.C., and Section 4 of Women Harassment Act against the second respondent herein and after investigation charge sheet has been filed and the case was taken on file and subsequently, it was committed to the Mahila



Court, Nagapattinam and the same is still pending. He further submitted that the second respondent herein gave a counter complaint and based on that, the first respondent herein has registered a case in Crime No.95 of 2012 under Section 294(b), 324, of I.P.C., r/w 3 (1) (x) of SC/ST Act, 1989 and subsequently, charge sheet has been filed and the case was committed to the Court of Sessions and it was taken on file in Special S.C.No.86 of 2013 on the file of the learned III-Additional District and Sessions Judge (PCR Court) Thanjavur and the said case is also pending. He further submitted that since both the cases are cases in counter, both cases have to be tried by the same court and he further submitted that now the learned Principal Sessions Judge, Nagapattinam has been designated as a Special Court under the SC/ST Act. Hence, both the cases viz., the case in S.C.No.156 of 2013, which is pending on the file of the Sessions Judge (Mahila Court) Nagapattinam and the case in Special S.C.No. 86 of 2013, which is pending before the III-Additional District and Sessions Judge (PCR Court) Thanjavur may be transferred to the Principal Sessions Judge, Nagapattinam.

3.The learned Government Advocate (Crl.Side) has fairly conceded that both the cases are cases in counter and he has not raised any objection to transfer the cases to the Principal Sessions Court, Nagapattinam.

4.Considering the aforesaid facts, the case in Spl.S.C.No.86 of 2013 is withdrawn from the file of the III-Additional District and Sessions Judge(PCR) Thanjavur and transferred to the Principal Sessions Judge, Nagapattinam. Likewise, the case in S.C.No.156 of 2013 is also withdrawn from the file of the Sessions Court (Mahila Court), Nagapattinam, and transferred to the Principal Sessions Judge, Nagapattinam, for disposal in accordance with law.

5.With the aforesaid observations, this Criminal Original Petition is disposed of. Consequently, connected MP(MD)No.1 of 2014, is closed.

Sd/-

Assistant Registrar(CS-I)

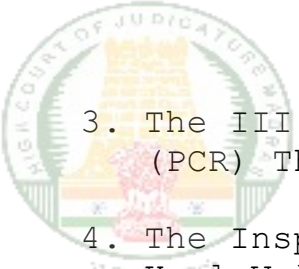
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Sub Assistant Registrar

To

1. The Principal District & Sessions Judge,
Nagapattinam.

2. The Sessions Judge,
Nagapattinam.



3. The III Additional District and Sessions Judge,
(PCR) Thanjavur.

4. The Inspector of Police,
Keel Velloor Police Station,
Keel Velloor, Nagapattinam District.

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.T.A.Ebenezer, Advocate SR.No.51892

DAS

VB/SV/MMS/SAR4/20.03.2018/3P/7C

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