



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.10.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.(MD) .No.21854 of 2015
and
M.P.(MD) No.1 of 2015

Balaiah @ Nithya Balaiah @ Balu

.. Petitioner

Vs.

The State Rep.by
The Inspector of Police
Palayamkottai police Station
Tirunelveli District
Crime No.331 of 2006

.. Respondent

PRAYER: This Criminal Original Petition has been filed under Section 407 of Criminal Procedure Code, to withdraw the trial of the case in S.C.No.259 of 2011 pending on the file of the learned I Additional Sessions Judge, Tirunelveli and transfer the trial of the case to any other sessions court outside Tirunelveli District.

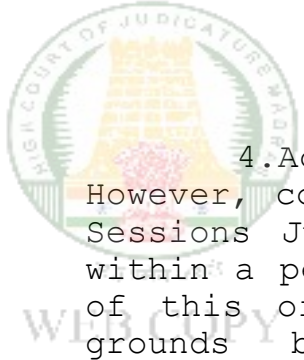
For Petitioners : Mr.M.Vivekanandan
For Respondents : Mr.A.P.G.Ohm Chairma Prabhu
No.1 Government Advocate(Crl.Side)

O R D E R

This quash petition is filed to to withdraw the trial of the case in S.C.No.259 of 2011 pending on the file of the learned I Additional Sessions Judge, Tirunelveli and transfer the trial of the case to any other sessions court outside Tirunelveli District

2.The learned Government Advocate(Crl.Side) would submit that in this case, the trial has been commenced and P.Ws.1 to 26 were examined as prosecution witnesses.

3.It is seen from the records that no ground is raised by the learned counsel for the petitioners to quash the criminal proceedings against them The grounds raised in the petition have to be gone into in a full fledged trial. Moreover, as submitted by the learned Government Advocate(Crl.Side) , in this case, trial has been commenced and P.Ws.1 to 3 were examined. Therefore, this Court is of the view that this criminal original petition is liable to be dismissed.



4. Accordingly, this criminal original petition is dismissed. However, considering the year of the case, the learned I Additional Sessions Judge, Tirunelveli is directed to dispose of the case, within a period of three months from the date of receipt of a copy of this order. The petitioner is at liberty to raise all the grounds before the trial Court. consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar (CS-I)

To

1. The I Additional Sessions Judge,
Tirunelveli
2. The Inspector of Police
Palayamkottai police Station
Tirunelveli District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

AAV

TE/BK/SAR-1 : 13/12/2018 : 2P/4C

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