



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.11.2018

CORAM

THE HONOURABLE MR. JUSTICE M. NIRMAL KUMAR

Crl.O.P. (MD) No.21887 of 2015

and

M.P (MD) No.1 of 2015

Murugesan

... Petitioner

Vs.

1.The State rep.by
The Inspector of Police
Thottiyam Police Station
Trichy District.
(Crime No.17 of 2013)

2.Kumar @ Sivakumar
3.Tamilselvan
4.Sakthivel
5.Arasu @ Andi

... Respondents

Prayer: This Criminal Original Petition filed under Section 407 Cr.P.C, to direct the Sessions Case bearing No.155 of 2013 on the file of the Hon'ble II Additional District Court, Triuchirappalli as against the respondents 2 to 5 to be withdrawn and transfer to any other competent court having jurisdiction in any other nearby District forthwith.

For Petitioner : Mr.S.Palanivelayutham

For R1 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.Side)

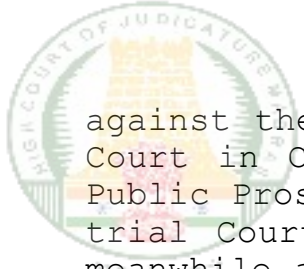
R2 to R5 : No Appearance

ORDER

This Criminal Original Petition has been filed by the petitioner to transfer of the case in S.C.No.155 of 2013 on the file of the learned II Additional District Court, Triuchirappalli.

2.The first respondent police registered a case in Crime No.17 of 2013 for offence punishable under Sections 294(b), 323, 324, 506 (ii) and 302 I.P.C. After investigation of the complaint the charge sheet has been filed and the same was taken on file by the learned II Additional District Court, Triuchirappalli in S.C.No.155 of 2013.

3.The contention of the petitioner is that one of the accused working in the police department has shown due influence over the Public Prosecutor attached to the court and delayed the trial. He was influencing the public prosecutor to change the eye witness and classify the eye witness as a witness of occurrence. Aggrieved



against the same, the petitioner has filed the petition before this Court in CrI.O.P.(MD)No.6782 of 2015 seeking to appoint a Special Public Prosecutor. This Court by order dated 02.06.2015 directed the trial Court to conduct further investigation in the case. In the meanwhile a counter case has been preferred by the first accused and the same has been taken on file as C.C.No. 52 of 2013. The accused were trying to influence the public Prosecutor came to access him, since the accused in this case are the witnesses in C.C.No.52 of 2013.

4.Today, when the case was taken up for hearing, the learned Government Advocate (Criminal Side) submitted that the learned District Magistrate, Trichirappalli, has appointed a Special Public Prosecutor Mr.L.Mohandoss, by his proceedings in R.C.No.D4/16688/2018, dated 28.08.2018.

5.In view of the above nothing survives for further adjudication in this petition. Accordingly, this Criminal Original Petition is closed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1. The II Additional District Court, Triuchirappalli.
2. The Inspector of Police
Thottiyam Police Station
Trichy District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.S.Palanivelayutham, Advocate Sr.No.95064
+1cc to Mr.V.Illanchezian, Advocate Sr.No.94713

DAS

KM/BK/SAR3/19.12.2018/2P/6C

CrI.O.P.(MD)No.21887 of 2015
and
CrI.M.P(MD)No.1 of 2015
09.11.2018