



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 10.10.2018
CORAM
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD)No.14269 of 2017
and
Crl.M.P(MD) No.9521 of 2017

Vaikundam ... Petitioner/Sole Accused
Vs.

1. The State Represented by
The Inspector of Police
Tirunelveli Taluk Police Station
Tirunelveli District
Crime No.153 of 2017

2. Malaiappan
(Impleaded as per the order of this Court
in Crl.M.P(MD) No.7947 of 2018
dated 10.10.2018) ...Respondent/ Respondent

Prayer: This Criminal Original Petition filed under Section 407 Cr.P.C. to direct transfer the case in S.C.No.620 of 2017 on the file of the IV Additional Sessions Court, Tirunelveli District.

For Petitioner : Mr.K.Prabhu
For Respondents : Mrs.S.Bharathi
No.1 Government Advocate(Crl.Side)

ORDER

This Criminal Original Petition has been filed seeking to transfer the case pending in S.C.No.620 of 2017 on the file of the IV Additional Sessions Court, Tirunelveli District.

2. The petitioner is the sole accused who is facing trial before the court below for an offence under Sections 341, 294(b), 324,307 and 302 of IPC. The only ground that has been raised by this petitioner to seek for transfer is that the trial court has proceeded further in this case in a hurried manner and the petitioner is being threatened by the respondent police. It is the further case of the petitioner that witnesses who are deposing before the court below are also being threatened and are forced to give evidence against this petitioner. The petitioner has alleged that it is not possible to get fair trial in the case and therefore sought for transfer of the case.

3. The learned Government Advocate would submit that the prosecution has already examined PW.1 to PW 12 and the case is at the stage of examination of other witnesses. The learned counsel



brought to the notice of this court, the petitioner has been filing repeated petitions before the court below seeking for adjournment on the ground that this petition for transfer is pending before this Court.

4. This Court is not convinced with the ground that has been raised by the petitioner seeking for transfer. The court cannot entertain this transfer petition on some general allegations made by the petitioner. Admittedly the petitioner is an accused in this case and he will have a fair chance in the trial to cross examine all the witnesses. The petitioner will also be able to get the assistance of his counsel. All the allegations that have been raised in this petition are totally unsustainable.

5. In the result, the Criminal Original Petition is dismissed and the court below is directed to proceed further with the case and complete the entire proceedings within a period of four months from the date of receipt of copy of this order. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-I)

To

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

+1cc to Mr.S.Sathya Chidambaram, Advocate Sr.No.89788

AAV

VB/SV/SAR1/05.12.2018/2P/5C

Cr1.O.P. (MD) No.14269 of 2017
10.10.2018