



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2018

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

CRL.O.P. (MD) No.6084 of 2018

and

CRL.M.P (MD) .No.2892 of 2018

Bass @ Baskaran

... Petitioner/Accused No.1

-vs-

1.The Inspector of Police,
Kennikarai Police Station,
Ramanathapuram District.
(In Crime No.175 of 2013)

... 1st Respondent/Respondent

2.Raja

... 2nd Respondent/
Defacto Complainant

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to transfer the trial of the case in S.C.No.127 of 2016 pending on the file of the learned Additional District Court, Ramanathapuram, to any other Court within the time stipulated by this Court.

For Petitioner : Mr.L.M.Vijai Boominathan

For R-1 : Mr.K.K.Ramakrishnan
Additional Public Prosecutor

ORDER

This petition has been filed by the petitioner to transfer the trial of the case in S.C.No.127 of 2016 pending on the file of the learned Additional District Court, Ramanathapuram, to any other Court within the time stipulated by this Court.

2.According to the petitioner, his wife has made a representation to the Registrar General and Registrar (Judicial) of this Court on 11.04.2018 by stating that the concerned Judicial Officer has made a statement against the petitioner/accused in the open Court. The said representations



are also pending. Now, the present petition has been filed before this Court to transfer the case in S.C.No.127 of 2016 which is pending before the learned Additional District Court, Ramannathapuram.

3. According to the learned counsel for the petitioner, the concerned Judge has made the some observation in the open court with predetermined mind. Therefore, the petitioner will not get fair trial before the same Judge and therefore, the present criminal original petition is filed for the relief stated supra.

4. The learned Additional Public Prosecutor, on instructions, would submit that the evidence of prosecution has been concluded and the case has been posted for arguments on the side of the accused. At this stage, the present application has been filed. The petitioner has not raised any objection, during the aforesaid period. Therefore, the present petition made by the petitioner is not maintainable and the same is liable to be dismissed.

5. Heard the rival submissions of the parties concerned and perused the submitted records.

6. From the aforesaid facts, it is seen that the prosecution witnesses were examined on 21.09.2017 and on the side of the prosecution, 25 witnesses have been examined and now, the said case has been posted for argument of the accused side. Therefore, filing of the present application, at this stage, without materials or giving any particulars, cannot be entertained. This Court cannot accept the contention of the petitioner and grant the prayer based on the petition submitted to the Registrar General and Registrar (Judicial) of this Court by the petitioner's wife. Therefore, this Court is not inclined to entertain this petition.

Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is also dismissed.

Sd/-
Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

1. The Additional District Judge,
Ramanathapuram.



2. The Inspector of Police,
Kennikarai Police Station,
Ramanathapuram District.

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

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rmk

PK/CM-PN/SAR-3/16.05.2018 : 3P/4C