



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.18067 of 2018

P.Kuppaiyandi @ Selvakumar

...Petitioner

-Vs-

The Inspector of Police,
Thenkarai Police Station,
Periakulam, Theni District.
Crime No.125 of 2013.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to direct to transfer C.A.No.89 of 2017 on the file of the learned Principal Sessions Judge, Theni to the Principal Sessions Judge, Madurai within the period stipulated by this Court.

For Petitioner: Mr.G.Radhakrishnan
For Respondent: Ms.Bharathi,
Government Advocate.

ORDER

This petition has been filed to transfer C.A.No.89 of 2017 on the file of the learned Principal Sessions Judge, Theni to the Principal Sessions Judge, Madurai within the period stipulated by this Court.

2.The learned counsel appearing for the petitioner would submit that there is a potential threat to the petitioner and the Advocate, who is appearing on behalf of the petitioner. That apart, the Advocates are hesitating to appear for him in the criminal appeal. Therefore, the learned counsel submitted that the criminal appeal has to be transferred from Theni to Madurai.

3.The learned Government Advocate appearing for the respondent would submit that an Advocate is appearing on behalf of the petitioner.

4.Admittedly, the Criminal Appeal is pending before the learned Principal Sessions Court, Theni. Insofar as the Criminal Appeal is concerned, the Court below will only finally hear the case and the personal appearance of the petitioner is not even required at the time of hearing.



5.The learned Government Advocate brought to the notice of this Court that there is an Advocate, who is appearing on behalf of the petitioner before the Court below and in the circumstances, on mere apprehension of threat to the petitioner, this Court cannot transfer the pending criminal appeal before the learned Principal Sessions Judge, Theni.

6.In the facts and circumstances of the case, this Court does not find any ground to transfer the case and there shall be a direction to the Court below to complete the Criminal appeal, within a period of three months from the date of receipt of a copy of this order.

7.This Criminal Original Petition is disposed of, with the above direction.

Sd/-

Assistant Registrar (Records)

// True Copy //

Sub Assistant Registrar(CS-III)

To

1.The Principal Sessions Judge, Theni.

2.The Inspector of Police,
Thenkarai Police Station,
Periakulam, Theni District.

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

+ 1 CC TO MR.G.RADHAKRISHNAN, ADVOCATE IN SR NO.90061

MYR

BU/SKN/SAR-III :12.11.2018 : 2P/5C

CRL.O.P. (MD) No.18067 of 2018
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