



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2019

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.6217 of 2016

and

CrI.M.P.No.3211 of 2016

N.Vibhushanan

... Petitioner

-vs-

1.The State of Tamil Nadu,
Rep. by the Sub-Inspector of Police,
Veeraganur Police Station,
Salem District.

2.Chinnasamy
3.Suresh
4.Krishnan
5.Saravanan
6.Arunachalam
7.Chinnasamy
8.Manikandan
9.Raja
10.Rajendran

... Respondents

Prayer: Criminal Original petition is filed under Section 407 of Criminal Procedure Code, to transfer the Criminal Case in S.C.No.295 of 2012 pending on the file of the Court of Assistant Sessions Judge, Attur to any other competent Court in Salem District.

For Petitioner : Mr.T.P.Prabakaran

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor (for R1)

ORDER

This petition has been filed seeking for a transfer of the case pending in S.C.No.295 of 2012 on the file of the Assistant Sessions Judge, Attur.

2.This Court had called for remarks from the trial Court



and the trial Court had submitted a report dated 07.04.2016 wherein it has been stated as follows:

"This court has committed the case in P.R.No.03/2010, to the Hon'ble Principal Sessions Judge, Salem on 04.05.2010 and the case has been transferred to Hon'ble Assistant Sessions Court, Attur for Trial by the Hon'ble Principal Sessions Judge. Now the case is pending before Hon'ble Assistant Sessions Court, Attur in S.C.No.295/2012. Further as per the official memorandum of Assistant Sessions Court, Attur in D.No.46/2016, dt:11.01.16 the witnesses 1 to 9 were bind over to appear before Hon'ble Assistant Sessions Court, Attur on 01.02.16.

I further submit that the witnesses would have appeared before the Hon'ble Assistant Sessions Court, Attur and not appeared before this court as per the averments made in para 3 of the Affidavit.

I further submit that this court has issued summons to witnesses to appear before Hon'ble Assistant Sessions Court, Attur for the hearing date 01.06.2016."

3.The learned Additional Public Prosecutor on instructions submitted that the case is posted for hearing on 18.06.2019 and there is absolutely no progress in the case due to the pendency of this petition.

4.This Criminal Original Petition is disposed of with a direction to the Assistant Sessions Judge, Attur to complete the proceedings in S.C.No.295 of 2012 within a period of three months from the date of receipt of the copy of this order. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

vs

To

1. The Assistant Sessions Judge,
Attur.



2.The Sub-Inspector of Police,
Veeraganur Police Station,
Salem District.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.T.P.Prabakaran, Advocate, S.R.No. 50998

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BP(CO)
GN(02/08/2019)