

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.7309 of 2016

B.Samikannu

... Petitioner

-vs-

1.State by,
The Inspector of Police,
T-4, Maduravoyal Police,
Chennai-600 095.

2.Ramesh

3.Sathish @ Sathishkumar

... Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to withdraw the case in S.C.No.334 of 2014 on the file of the Mahila Court, Thiruvallur and transfer the same to Mahila Court at Chennai.

For Petitioner : Mr.K.Kannan

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

Mr.G.Prabhakaran (for R2)

ORDER

This petition has been filed seeking for transfer of the case pending in S.C.No.334 of 2014 on the file of the Mahila Court, Thiruvallur to any other Court.

2.The learned counsel for the petitioner submitted that the petitioner is the de-facto complainant and this is a case of double murder wherein his wife and daughter were murdered by the accused persons. The learned counsel submitted that the charges were framed and the case was at the stage of trial. At that point of time, the accused persons threatened the petitioner and warned him with dire consequences if he goes before the Court to depose in this case. Based on the complaint given by the petitioner, the respondent police registered an F.I.R. in Crime

No.255 of 2015 against the accused persons. Therefore, the learned counsel submitted that the case may be transferred to the file of the Mahila Court, Chennai and time may be fixed for the disposal of the case.

3.Heard the learned Additional Public Prosecutor appearing on behalf of the 1st respondent and the learned counsel appearing on behalf of the 2nd and 3rd respondents.

4.Taking into consideration, the facts and circumstances of the case, in order to ensure that there is a fair trial in this case, there shall be a direction to the Mahila Court, Thiruvallur to immediately transfer the entire case records to the file of the Mahila Court, Chennai. This process shall be completed within a period of two weeks from the date of receipt of the copy of this order. Immediately on receipt of the case records, the Mahila Court, Chennai shall assign the case a new number and shall proceed further with the case by conducting a day-to-day trial and complete the proceedings within a period of six months. The trial shall be conducted strictly in accordance with the guidelines given by the Hon'ble Supreme Court in the case of Vinod Kumar v. State of Punjab reported in 2015 3 SCC 220. If any of the accused persons adopt any dilatory tactics, it is open to the trial Court to insist for the presence and remand them for custody pending the trial, as laid down by the Hon'ble Supreme Court in the case of State of Uttarpradesh v. Shambhu Nath Singh and Ors. reported in JT 2001 (4) SC 319.

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

Sd/-

Assistant Registrar (Insp.Cell)

//True Copy//

Sub Assistant Registrar

vs

To

1.The Inspector of Police,
T-4, Maduravoyal Police,
Chennai-600 095.

2.The Mahila Court,
Tiruvellore.

3.The Mahila Court,
Chennai.

4.The Public Prosecutor,
Madras High Court,
Chennai.

+1cc to Mr.K.Kannan, Advocate, S.R.No.49963

+1cc to Mr.C.Jayaprakash, Advocate, S.R.No.50282 (01/07/2019)

CRL.O.P.No.7309 of 2016

BS (CO)

RRS (24/06/2019)



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