

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.21186 of 2019
and Crl.M.P.No.10978 of 2019

Nandha @ Muthukumar ... Petitioner/Accused

vs.

1.The Inspector of Police,
Pallikonda Police Station,
Vellore District.1st Respondent/Complainant

2.Srinivasan ...2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petitions filed under Section 482 of the Code of Criminal Procedure, praying to withdraw the case in S.C.No.97 of 2019 on the file of Additional District Judge (Fast Track) Vellore, Vellore District and transfer the same to the Additional District Judge No.I, Vellore, Vellore District.

For Petitioner : M.Sathish Kumar

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

ORDER

This petition has been filed seeking for a direction to transfer the case pending in S.C.No.97 of 2019, on the file of Additional District Judge (Fast Track) Vellore, Vellore District, to some other Court. The only ground on which the transfer has been sought for is that the trial Judge is prejudiced and will definitely convict the petitioner. In fact, the petitioner himself has filed a memo before the concerned trial Judge not to try the case. The Trial Judge was decent enough not to pass any orders in the memo and directed the petitioner to get appropriate directions from this Court.

2.If transfers are allowed based on the ground raised by the petitioner, the entire judicial system will collapse. Transferring a case from one Court to another, particularly based on allegations against the Presiding Officer, has serious consequences. It cannot be dealt with in a routine manner. It is not for the litigant to choose the Judge and ask for transfer on mere apprehension. If a transfer is ordered based on apprehension, an accused person can keep on dragging the proceedings on this ground and it will have a very serious impact on the morale of the Subordinate Judge.

3.This court does not find any merits in this petition and accordingly the same is dismissed. The court below is directed to proceed further with the case and complete the proceedings within a period of six months from the date of receipt of copy of the order. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

rri

To

1.The Additional District Judge(Fast Track)
Vellore.

2.The Additional District Judge No.I,
Vellore.

3.The Inspector of Police,
Pallikonda Police Station,
Vellore District.

4.The Public Prosecutor,
High Court, Madras.

CrI.O.P No.21186 of 2019
and CrI.M.P.No.10978 of 2019

sj[co]
srg 19/09/2019