

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.09.2019

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.25304 of 2019 &  
Cr1.M.P.No.13517 of 2019

1. T.K. Muthusamy  
2. Tmt. Shanthi  
3. Tmt.Saratha  
4. Tmt.Sumathi

.. Petitioners

Vs

The Deputy Superintendent of Police,  
Vigilance and Anti-Corruption,  
Salem-4

... Respondent

Prayer: Criminal Original petition filed under Section 482 of Criminal procedure Code seeking to transfer the special calender case No.1 of 2019 on the file of the Chief Judicial Magistrate Court, Thoothukudi to the file of the learned Special Judge, Special Court for Prevention of Corruption Act cases, Salem.

For Petitioner : Mr. D.R. Arun Kumar  
For Respondent : M/s. M. Prabhavathy  
Addl. Public Prosecutor

ORDER

The petitioners are accused in Special C.C.No.1 of 2019 pending trial on the file of Chief Judicial Magistrate Court, Thoothukudi. They are facing trial for the offence under section 13(2) r/w.13(1)(e) of Prevention Corruption Act 1998 along with section 109 IPC.

2. The 1<sup>st</sup> petitioner is a public servant, 2<sup>nd</sup> petitioner is his wife, third petitioner is his mother-in-law and the 4<sup>th</sup> petitioner is his sister in law. The 1<sup>st</sup> petitioner is a native of Namakkal District and he is hailing from a middle class family. His wife is a house wife and they have got two children.

3. The case of the prosecution is that during 2007, while the 1st petitioner was working as Motor Vehicle Inspector in Regional Transport Office, Thoothukudi, he has acquired assets in the name of himself as well as the other petitioners which is more than his income, for which allegation, he could not give a plausible explanation, hence the case for disproportionate asset came to be registered. On completion of investigation, a charge sheet has been filed. The check period is between 1.1.2001 and 31.12.2006.

4. The contention of the petitioners is that except for registration of the FIR by the Deputy Superintendent of Police, Thoothukudi, investigation in this case was carried out by the Deputy Superintendent of Police, Salem, Vigilance and Anti Corruption and majority of the witnesses are in and around Salem and most of the properties concerned in the case are in Salem District. It is further contended that making the petitioners to appear before the trial court at Thoothukudi would cause great harassment to the petitioners, hence he sought for transfer of the case C.C.No.1 of 2019 pending on the file of Chief Judicial Magistrate, Thoothukudi to Special Court for Prevention of Corruption Act Cases, Salem.

5. Learned Additional Public Prosecutor submits that in this case, there are totally 91 witnesses, almost 70 witnesses are residing in and around Salem and she has no strong objection as regards the transfer of C.C.No.1 of 2019 from Thoothukudi to Salem.

6. Considering the submissions of the learned counsel for petitioners and also taking note of the fact that learned Additional Public Prosecutor has no serious objection to transfer the case, this court is of the view that it would be convenient for the petitioners, even for the witnesses, if the case is transferred to the file of learned Special Judge, Special Court for Prevention of Corruption Act, Salem from Chief Judicial Magistrate Court, Thoothukudi.

7. In view of the same, this petition is allowed. The case in C.C.No.1 of 2019 pending on the file of the Chief Judicial Magistrate Court, Thoothukudi is transferred to Special Judge, Special Court for Prevention of Corruption Act Cases, Salem. Consequently, the connected CrI.M.P.No.13517 of 2019 is closed.

8. The learned Chief Judicial Magistrate Court, Thoothukudi is directed to send the entire case bundle to the Special Court for Prevention of Corruption Act Cases, Salem forthwith.

Sd/-  
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

msr

To

- 1.The Chief Judicial Magistrate Court,  
Thoothukudi.
- 2.The Special Judge,  
Special Court for Prevention of Corruption Act cases  
Salem.
3. The Public Prosecutor,  
Madras High Court,  
Chennai.

+1cc to Mr. D.R. Arun Kumar, Advocate sr.81981

Crl.O.P.No.25304 of 2019 &  
Crl.M.P.No.13517 of 2019

mp(co)  
nr 31/10/2019

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