

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.26965 of 2019

and

Crl.M.P.No.14331 of 2019

1.R.Kavitha

2.S.Rajendran

...Petitioners

Vs

The Station House Officer,
Kandamangalam Police Station,
Villupuram District.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to withdraw S.C.No.126 of 2016 in Crime No.205 of 2016 pending on the file of Special Court for SC/ST Cases at Villupuram District to any Special Court for SC/ST Cases at Chennai.

For Petitioners:M/s.S.Vidya

For Respondent :Mr.C.Iyyapparaj
Additional Public Prosecutor

O R D E R

The petitioners herein are the accused who seek to transfer the proceedings in S.C.No.126 of 2016 from the Special Court to any other Court. The ground on which the petitioners seeks to transfer is that they are facing threat of assault from the relatives of the deceased and also the Presiding Officer had not recorded the statements as deposed by the witnesses.

2. The learned Additional Public Prosecutor submitted that based on the allegations made by the petitioners, enquiry was conducted and it is found that the petitioners are not under threat from anybody.

3. In my view, these two grounds raised by the petitioners might not be sufficient enough to transfer the proceedings from the Special Court to some other Court. Mere allegations against the Presiding officer that the evidence were not properly

recorded might not be sufficient for having the matter transferred. Likewise, when the petitioners have stated that they are facing threat from the relatives of the deceased, the learned Additional Public Prosecutor submits that there is no such threat. If the petitioner apprehends any threat in future, it is always open to them to approach the concerned police seeking for necessary protection. The allegations against the Presiding Officer have no authenticity for this Court to come to the conclusion that the proceedings requires to be transferred.

4. In the light of the above observations, I do not find any reason to transfer the proceedings to some other Court.

5. With these above observations, this Criminal Original Petition stands closed. Since the proceedings is pending from the year 2016 onwards, the trial Court shall endeavour to complete the same as expeditiously as possible. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

- 1.The Judge,
Special Court for SC/ST Cases,
Villupuram District.
- 2.The Station House Officer,
Kandamangalam Police Station,
Villupuram District.
- 3.The Public Prosecutor,
High Court, Madras.

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