

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2019

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

CRL.O.P.NO.28467 OF 2019

AND

CRL.M.P.NO.15190 OF 2019

Gunasekaran

...Petitioner

Vs

1. The State of Tamil Nadu
Rep. by Inspector of Police,
Kilapalur Police Station,
Ariyalur District.

2. Samikannu

3. Sathish

4. Durai Manickam

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to pass necessary orders directing the transfer of the case, S.C.No.22 of 2018 from the file of the Hon'ble Principal District and Sessions Court, Ariyalur, to the Hon'ble Principal District and Sessions Court, Perambalur or any other Court to try the above case.

For Petitioner : Mr.S.Sivalinga Kesavan

For Respondents: Mr.C.Iyyapparaj
Additional Public Prosecutor
for R1
Mr.C.Prabakaran for R2

O R D E R

The major grievance of the petitioner seems to be that though the offence was registered in the year 2015 and the charge sheet filed in the year 2018, there is no adequate improvement in the proceedings. The further ground on which the petitioner seeks for transfer is that he is apprehending danger from the accused, who have been threatening him during the course of the proceedings.

2. Insofar as the delay of the proceedings are concerned, it is brought to the notice of the Court that the 3rd accused was absconding for a considerable time and recently the case was split up, insofar as the 3rd accused is concerned and tried separately in S.C.No.81 of 2019. The 1st and 2nd accused are tried in the present proceedings in S.C.No.22 of 2018 before the learned Principal District and Sessions Court, Ariyalur. In view of the split up, it is now quite possible for the Sessions Court to proceed with the trial expeditiously. While that being so, it would not be appropriate to transfer the proceedings on this ground.

3. Likewise, the petitioner's apprehension that some danger would be caused to him in view of the threats from the accused are concerned, this Court is of the view that if the petitioner is permitted to approach the concerned jurisdictional police seeking for protection during the course of such threat, with a further direction to the police to extend protection in cases of genuine threat, the ends of justice could be secured and the proceedings need not be transferred on this ground also.

4. In the light of the above observations, there shall be a direction to the learned Principal District and Sessions Judge, Ariyalur to endeavor to complete the trial in S.C.No.22 of 2018, as expeditiously as possible, in any event, within a period of 6 months from the date of receipt of a copy of this order. The petitioner is also at liberty to approach the concerned jurisdictional Inspector of Police, seeking for protection in the event of any threat from the accused. On receipt of such a request, the concerned Inspector of Police shall consider the same and take further course of action preferably on the same day.

5. The learned Principal District and Sessions Judge, Ariyalur shall also endeavor to complete the trial in S.C.No.81 of 2019, within the same period of 6 months from the date of receipt of a copy of this order.

6. Accordingly, the Criminal Original Petition stands disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

hvk

To

1. The Principal District and Sessions Court,
Ariyalur.
2. The Inspector of Police,
Kilapalur Police Station,
Ariyalur District.
3. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.C.Prabakaran, Advocate, S.R.No.98511

+1cc to Mr.S.Sivalinga Kesavan, Advocate, S.R.No.98361

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and
Crl.M.P.No.15190 of 2019

SSD(CO)
CS/08/01/2020



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