



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **21.10.2019**

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P (MD) No. 8201 of 2019

and

CRL.M.P (MD) No. 5099 of 2019

P.Murugesan

: Petitioner/Defacto
Complainant

Vs.

The Inspector of Police,
Chathrapatti Police Station,
Dindigul District.
(Crime No.64 of 2014)

: Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 407 of Cr.P.C, to transfer the case in S.C.No.39 of 2018 on the file of the learned Additional Sessions Judge (Fast Track Court) Palani to any other competent court other than Dindigul District.

(Prayer amended as per order dated 21.10.2019 made in Crl.M.P(MD)No.8296 of 2018 in CRL.OP(MD)No.8201of2019)

For Petitioner : Mr.S.C.Herold Singh

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

O R D E R

This Criminal Original Petition has been filed to transfer the case in S.C.No.39 of 2018 on the file of the learned Additional Sessions Judge (Fast Track Court) Palani, to any other competent court other than Dindigul District.

2.The learned counsel for the petitioner submitted that the petitioner was examined as P.W.5 and his real version of the occurrence was not properly recorded by the trial Court. Therefore, he sought for transfer of the entire case in S.C.No.39 of 2018 on the file of the learned Additional Sessions Judge (Fast Track Court) Palani to any other competent court other than Dindigul District.

3.This Court by an order dated 25.09.2019, called for a report from the trial Court and on perusal of the report submitted by the learned Additional District Judge, Fast Track Court, Palani, the petitioner was examined as P.W.5 and Ex.P.1 to Ex.P.4 were marked and the case was posted on 31.10.2019 for production of stay order.



4.It is also seen from the evidence of P.W.5, he was fully cross examined and he signed in the deposition. While so, the petitioner has come forward with this petition to transfer the same on the ground that his statement was not properly recorded by the trial Court, so as to discharge the accused from the clutches of law.

5.Considering the facts and circumstances of the case, this petition is devoid of merits and it cannot be transferred on the aforesaid ground. Therefore, this Criminal Original Petition is dismissed.

6.However, the trial Court is directed to record further evidence of P.W.5 and also give an opportunity to the accused persons to cross examine the petitioner/P.W.5. The trial Court shall fix the date for fresh examination of the petitioner/P.W.5 and complete the same within a period of two weeks from the date of receipt of a copy of this order. Thereafter, the trial Court is directed to complete the trial in S.C.No.39 of 2018 within a period of three months. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Additional Sessions Judge (Fast Track Court), Palani.
2. The Inspector of Police, Chathrapatti Police Station, Dindigul District.
3. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.S.C.HEROLD SINGH, Advocate (SR-93467[F] dated 22/10/2019)

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