



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.09.2019

CORAM :

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.(MD)No.13637 of 2019

and

Crl.M.P(MD).No.8310 of 2019

WEB COPY

Ramesh

... Petitioner

Vs.

1. The State rep., by
The Inspector of Police,
Pattukottai Police Station,
Thanjavur District.
(in Crime No.119 of 2012)

2.Neduncheliyan

3.Anandhi

... Respondents

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, to call for the records relating to the order dated 19.11.2018 made in Cr.M.P.No.3493 of 2017 on the file of Principal District and Sessions Court, Thanjavur and set aside the same as illegal and allow the above petition and transfer the case from the file of Judicial Magistrate Court, Pattukottai to any other Magistrate Court in Thanjavur District.

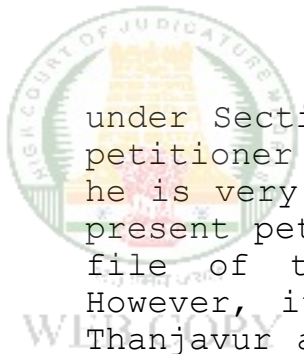
For Petitioner : Mr.R.Gandhi

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

O R D E R

This petition has been filed to quash the proceedings in Cr.M.P.No.3493 of 2017 on the file of Principal District and Sessions Court, Thanjavur and transfer the case from the file of Judicial Magistrate Court, Pattukottai to any other Magistrate Court in Thanjavur District.

2. The learned counsel for the petitioner would submit that the petitioner lodged a complaint against the accused persons. On the receipt of the said complainant, the respondent police has registered a case in Crime No.119 of 2012 for the offences under Sections 406 and 420 of IPC and Section 7 of Chit Fund Act, 1982. After the completion of investigation, the respondent police has filed a charge sheet before the learned Judicial Magistrate Court, Pattukottai District and the same was taken cognizance in C.C.No.283 of 2017. He further submitted that he is also one of the victim and to be examined as P.W.1. He further submitted that when the petitioner was proceeding towards his house on 30.12.2013, unidentified persons came in a two wheeler and attacked the petitioner with Aruval and made an attempt to kill him. Therefore, he lodged a complaint as against the accused persons and the same has been registered in Crime No.1 of 2014 for the offence punishable



under Sections 294 (b), 307, 324 & 506 (ii) of IPC. Therefore, the petitioner had life threat at the hands of the accused person since he is very influence persons in his locality. Therefore, he filed a present petition to transfer the trial in C.C.No.283 of 2017 on the file of the Judicial Magistrate Court, Pattukottai District. However, it was rejected by the learned Principal Sessions Judge, Thanjavur as against which, the petitioner preferred this petition. However, the learned counsel for the petitioner restricted his claim that he presses the transfer petition containing that he shall be provided adequate police protection, when he is subjected into the box for deposition.

3. Considering the above facts and circumstances, this Criminal Original petition is dismissed. Consequently, connected miscellaneous petition is closed.

4. However, the first respondent is directed to provide adequate police protection at the time of cross examination of P.W.1 in C.C.No.283 of 2017 on the file of the Judicial Magistrate Court, Pattukottai District. If the first respondent ensures any untoward incident happens as against the petitioner, the first respondent is directed to take appropriate action as against the accused persons in accordance with law.

Sd/-

Assistant Registrar (AD I)

// True Copy //

Sub Assistant Registrar(CS)

dss

To

- 1.The Judicial Magistrate,
Pattukottai.
- 2.The Inspector of Police,
Pattukottai Police Station,
Thanjavur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R. GANDHI, Advocate (SR-90746[F] dated 01/10/2019)

Crl.O.P.(MD)No.13637 of 2019

and

Crl.M.P(MD).No.8310 of 2019

30/09/2019

KK/SAR/23.10.2019/2P-5C/