



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **11.12.2019**

CORAM:

THE HONOURABLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P. (MD)No. 14227 of 2018

Saraswathi

... Petitioner/PW5

Vs

1.The State rep. by,
The Inspector of Police,
South Police Station,
Thoothukudi,
Thoothukudi District.
(Crime No.673 of 2013)

2.Sam Paul Lesli

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to withdraw the case in C.C.No.130 of 2016 on the file of the Judicial Magistrate No.1, Thoothukudi and transfer the same to the Judicial Magistrate Court, Madurai.

For Petitioner : Mr.S.P.Prabakaran

For 1st Respondent : Mrs.S.Bharathi,

Government Advocate (Crl. Side)

For 2nd Respondent : Mr.B.N.Raja Mohamed

ORDER

This petition has been filed to withdraw the case in C.C.No.130 of 2016 on the file of the learned Judicial Magistrate No.1, Thoothukudi and transfer the same to the learned Judicial Magistrate Court, Madurai.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the first respondent.

3.The learned counsel appearing for the petitioner would submit that the petitioner is P.W.5 in C.C.No.130 of 2016, pending trial on the file of the Judicial Magistrate No.1, Thoothukudi for the offence under Sections 279, 337 and 304(A) of IPC. The grounds sought for transfer of case are that Thoothukudi District is more than 150 kilo meters away from the residence of the petitioner and the petitioner has to undergo much difficulty and complexity in travelling and attending the Court at Thoothukudi. Further, P.W.1 namely Gunasekaran the brother-in-law of the petitioner was examined on 16.03.2017 and he has on the threat of the accused not supported the case of the prosecution. The petitioner is apprehending life threat to her at the hands of the accused, who are influential persons in Thoothukudi and thereby would seek for transfer of the case.



4.The learned counsel appearing for the second respondent would submit that the allegations are unfounded and the petition has been only filed to harass the second respondent. No valid grounds have been made for transfer.

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5.The learned Government Advocate (Crl. Side) appearing for the respondent police would submit that the said Gunasekaran has not lodged any complaint against the accused with regard to the alleged threat. He would further submit that the petitioner is only a hearsay witness. He would further submit that the case has been posted on 27.02.2020 for appearance of the petitioner for examination in chief.

6.Considering the above facts and circumstances of the case, this Court is of the opinion that the petitioner has not made out a case for transfer. Accordingly, this criminal original petition is dismissed. However the trial Court is directed to complete the trial in C.C.No.130 of 2016 within a period of Three Months from the next hearing date ie.,27.02.2020.

Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar(CS)

vsg
To

1.The Judicial Magistrate No.1,
Thoothukudi.

2.The Inspector of Police,
South Police Station,
Thoothukudi,
Thoothukudi District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P.(MD)No. 14227 of 2018
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