



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P. (MD) No.16369 of 2017

WEB COPY

1.Santhanaraj

2.Maharajan

... Petitioners/Accused Nos.1 & 2

-vs-

The Inspector of Police
Central Police Station
Thoothukudi
Thoothukudi District
Cr.No.50/2011

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to transfer the case in PRC No.20/2011 on the file of the learned Judicial Magistrate, No.II, Thoothukudi and also the subsequent proceedings to any other Court in other district.

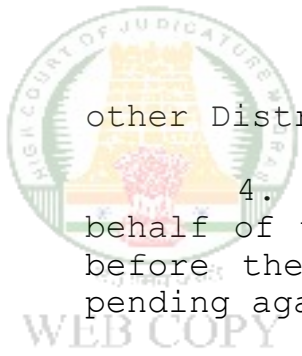
For Petitioners	: Mr.K.Prabhu
For Respondent	: Mr.S.Chandrasekar
	Additional Public Prosecutor

O R D E R

This petition has been filed seeking to transfer the proceedings in PRC No.20/2011 on the file of the learned Judicial Magistrate, No.II, Thoothukudi.

2.The petitioners along with two other accused persons were shown as accused in the final report filed by the respondent police before the Judicial Magistrate, No.II, Tuticorin for offence under sections 294(b), 341, 302 and 506(ii) IPC read with Sections 294 (b), 341, 302, 506(ii) IPC read with Section 34 IPC. When the case was at the stage of committal, A-3 had appeared before the Court below and he was attacked and murdered by the de-facto complainant and his family members and therefore, a complaint was given and it was registered in Crime No.795/2012 for offence under Sections 341, 302 and 506(ii) IPC and the case is pending before the II Additional District Sessions Court, Tuticorin in S.C.No.96/2017.

3. In view of the above incident, the petitioners, who are A-1 and A-2, apprehended that there is a potential threat for their life and therefore, they want the case to be transferred to any



other District.

4. The learned Additional Public Prosecutor appearing on behalf of the respondent police submitted that A-2 has not appeared before the Court and therefore, there is a non bailable warrant pending against him.

5. The learned counsel for the petitioners submitted that the case may be transferred to any other Court in a nearer district and even a time may be fixed for the completion of the proceedings.

6. This Court has carefully considered the submissions made on either side and the materials available on record.

7. The reason that has been cited seeking for transfer seems to be a very strong reason, since A-3 has been murdered allegedly by the de-facto complainant and therefore, A-1 and A-2 are also apprehending life threat and retaliation. Therefore, in order to ensure a fair trial, this Court is inclined to transfer the proceedings.

8. The second petitioner, namely, A-2 is directed to surrender before the Judicial Magistrate, No.II, Tuticorin and file a petition to recall the warrant. Immediately on filing the petition, non bailable warrant shall be recalled. Thereafter the case may be committed to the concerned Sessions Court within a period of four weeks from the date of receipt of copy of this order. On such committal, the Sessions Court shall assign a number and thereafter, the case shall stand transferred to the Principal Sessions Court, Tirunelveli. The entire case records shall reach the Principal Sessions Court, Tirunelveli, within a period of eight weeks from the date of receipt of this order. The Principal Sessions Judge, Tirunelveli shall thereafter, conduct the trial on a day-to-day basis and complete the sessions case within a period of three months thereafter.

9. The criminal original petition is allowed with the above directions.

Sd/-

Assistant Registrar(Crl Side)

// True Copy //

Sub Assistant Registrar(CS)

RR

To

1.The Principal Sessions Judge,
Tirunelveli.



2.The Judicial Magistrate, No.II,
Thoothukudi

3.The Inspector of Police
Central Police Station
Thoothukudi
Thoothukudi District

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

+1CC TO MR.K.PRABHU, Advocate Sr. No. 88524

Cr1.O.P. (MD) No.16369 of 2017

GKG (CO)

TR(10.10.2019) 3P 6C