



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 20.09.2019**

**CORAM:**

**THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH**

**Crl.O.P. (MD) .No.9512 of 2017**

**and**

**Crl.M.P. (MD) No.6491 of 2017**

Arumugam

... Petitioner

Vs.

1) The State,  
Rep. by Inspector of Police,  
Fort Police Station,  
Trichy City, Tiruchirappalli.

2) Guna @ Gunaseelan @ Manachanallur Guna

3) Ananth @ Kannadi Ananth

4) Stephen

5) Mayilvahanan

6) Rajendrakumar

... Respondents

**PRAYER:** Criminal Original Petition is filed under Section 482 of Cr.P.C. to withdraw the case in C.C.No.83 of 2016 pending before the Judicial Magistrate No.I, Tiruchirappalli and transfer the same to any of the competent court at any other District, preferably in Theni District.

For Petitioner : Mr.Radhi Sathish

For R1 : Mr.S.Chandrasekar,  
Additional Public Prosecutor

For RR 2,3 & 5 : No Appearance

For R6 : Mr.N.Anandhakumar

**O R D E R**

This Criminal Original Petition has been filed seeking for the transfer of the proceedings pending in CC.No.83 of 2016, on the



file of the learned Judicial Magistrate-I, Tiruchirappali.

2. The petitioner is the *de facto* complainant and based on his complaint, the first respondent police registered an F.I.R in Crime No.1360 of 2014 for offences under sections 452, 387, 506 (ii) of I.P.C. The investigation was completed and final report was also filed before the learned Judicial Magistrate-I, Tiruchirapalli against respondents 2 to 6 and the same was taken on file in C.C.No.83 of 2016.

3. The present petition has been filed seeking for transfer on the ground that, the petitioner and other witnesses are facing life threat from the respondents 2 to 6 and the sixth respondent is an Advocate, who is practicing in the same Court. Therefore, the petitioner apprehends that there will be no just and fair trial in this case.

4. Heard the learned counsel for the petitioner and learned Additional Public Prosecutor appearing on behalf of the first respondent police. The names of the other respondents have been printed in the cause list.

5. Taking into consideration the facts and circumstances of the case and also in order to ensue that a fair trial is conducted without the witnesses being put to any threat, this Court is inclined to transfer the proceedings from the file of the learned Judicial Magistrate I Tiruchirappali. The proceedings in C.C.No.83 of 2016, pending on the file of learned Judicial Magistrate-I, Tiruchirapalli is withdrawn and transferred to the learned Judicial Magistrate, Periyakulam. The learned Judicial Magistrate-I, Tiruchirappali is directed to send the entire case records within a period of two(02) weeks from the date of receipt of a copy of this order. The learned Judicial Magistrate, Periyakulam, immediately on receipt of the case papers, shall renumber the case and proceed further in accordance with law and complete the proceedings within a period of three(03) months thereafter.

6. This Criminal Original Petition is disposed of accordingly. Consequently, connected Crl.M.P.(MD) No.6491 of 2017 is closed.

Sd/-

Assistant Registrar (AD II)

// True Copy //

Sub Assistant Registrar (CS)



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To

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- 1) The Judicial Magistrate,  
Periyakulam.
- 2) The Judicial Magistrate-I,  
Tiruchirappali.
- 3) The Inspector of Police,  
Fort Police Station,  
Trichy City, Tiruchirappalli.
- 4) The Additional Public Prosecutor,  
Madurai Bench of Madras High Court.

Order made in  
**Crl.O.P. (MD) .No.9512 of 2017**  
**20.09.2019**

\_KM/ (22.10.2019) 3P 5C