

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2020

CORAM:

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

Crl.O.P.Nos. 3540 & 3581 2020 and
Crl.M.P.Nos. 2078 & 2091 of 2020

1.Sarath @ Sarathkumar,M/24 years,
S/o.Ravi,
Main Bazar Road,
Saidapet,
Vellore,

2.Venkat @ Venkatesan M/A 30yrs,
S/o. Kasi,
Nagallamman koil Street,
Thottapalayam,
Vellore,

3.Nagaraj @ MusalNagaraj M/A, 30yrs,
S/o. Venkatesan,
Nagallamman koil street,
Thottapalayam,
Vellore.

... Petitioners in
Crl.O.P.No.3540 of 2020

1.Sarath @ Sarathkumar,M/24 years,
S/o.Ravi,
Main Bazar Road,
Saidapet,
Vellore,

2.Seenu @ Srinivasan M/A, 26 yrs,
S/o. Radha Krishnan,
Mettu Street,
Thottapalayam,
Vellore.

3. Balaji M/A, 24 yrs,
S/o. Mohan,
9/1, Nagalamankovil street,
Crown Thearter Backside,
Vellore.

... Petitioners in
Crl.O.P.No.3581 of 2020

Vs.

State; rep. by
The Inspector of Police,
Vellore North Police Station,
District,
(Crime No.391/2013).

... Respondent in
Crl.O.P.No.3540 of 2020

State by,
The Inspector of Police,
Sathuvachari Police Station,
Vellore District,
Crime No.452 of 2010

... Respondent in
Crl.O.P.No.3581 of 2020

Common Prayer: Criminal Original Petitions filed under section 482 of Criminal Procedure Code, directing to withdraw and transfer the case in SC.Nos.132 of 2019 and 08 of 2014 on the file of the Additional District Judge (Fast Track Court), Vellore to any other District Court.

For Petitioners in
both Crl.O.Ps : Mr.Thirumoorthy
for Mr.S.Silambuselvan

For Respondents in
both Crl.O.Ps : Mr.S.Karthikeyan
Additional Public Prosecutor

COMMON O R D E R

These petitions have been filed to withdraw and transfer the case in SC.Nos.132 of 2019 and 08 of 2014 on the file of the Additional District Judge (Fast Track Court), Vellore to any other District Court.

2.The learned counsel for the petitioners would submit that the petitioners two, four and five are facing trial on the charge sheet filed under Sections 147, 148, 341, 506(ii), 302 of IPC @ 120(b),148,302, 560(ii),324 of IPC, r/w 34 of IPC and pending in SC.No.132 of 2019 on the file of the Additional District Judge (Fast Track Court, Vellore). There are several cases pending against the petitioners and as such the defacto complainant resides in the same locality and they are threatening the petitioners while appearing before the trial Court. Therefore, there is a imminent possibility of life threat to the petitioners, if they appeared before the trial Court. There is also possibility of gang retaliation between the petitioners group and the defacto complainant group. Therefore, he sought for transfer of the investigation from the trial Court to other District Court.

3. Heard Mr. Thirumoorthy learned counsel appearing for the petitioners and Mr. S. Karthikeyan learned Additional Public Prosecutor appearing for the Respondents.

4. Considering the above averments made in these petitions this Court is not inclined to transfer the case, on the grounds raised by the petitioners. It is the submission of the learned Additional Public Prosecutor though the petitioners life is under threat by the defacto complainant's group. They did not lodge any complaint even till today, infact they did not appear before the trial Court. There is absolutely no piece of evidence to show that their life is under threat from the hands of the defacto complainant. Therefore, on devoid of merits, these petitions are dismissed. However, the trial Court is directed to complete the trial within a period of nine months from the date of receipt of a copy of this order.

5. With the above direction, these Criminal Original Petitions is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Additional District Judge (Fast Track Court),
Vellore.
2. The Inspector of Police,
Vellore North Police Station,
Vellore District.
3. The Inspector of Police,
Sathuvachari Police Station,
Vellore District.
4. The Public Prosecutor,
High Court, Madras.

Crl.O.P.Nos. 3540 & 3581 2020 and
Crl.M.P.Nos. 2078 & 2091 of 2020

nmI[co]
srg 24/09/2020