

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.3940 of 2020

1.The Principal District Court
Dharmapuri

2.G.K.Baskaran
S/o Kuppusamy
Barathipuram, Dharmapuri.

3.The Deputy Commissioner of Police
Dharmapuri Sub Division
Dharmapuri.
(Cr.No.901/2016) ...Respondents

PRAYER: Criminal Original Petition filed under Section 407 of Criminal Procedure Code, to transfer the Sessions case in SC.No.103/2017 pending on the file of the Principal District and Sessions Court, Dharmapuri (Special Court for SC/ST Cases) to some other Sessions Division or any other Special Court for SC/ST cases.

For Respondents: Mr.S.Karthikeyan
Additional Public Prosecutor for R1 & 3
No Appearance for R2

ORDER

This petition has been filed for transfer of Sessions Case in S.C.No.103 of 2017 pending on the file of the Principal District and Sessions Court, (Special Court for SC ST cases) Dharmapuri to some other Sessions Division or any other Special Court for SC/ST cases.

2.On perusal of records, the Presiding Officer namely, the Principal District and Sessions Judge (Special Court for SC ST Act cases), Dharmapuri by D.No.5475 of 2019, dated 09.12.2019 requested this Court to transfer the said case from the file of the Principal District and Sessions Court, (Special Court for SC ST cases) Dharmapuri to some other Sessions Division or any other Special Court for SC/ST cases.

3.It is averred in D.No.5475 of 2019, filed by the learned Principal District and Sessions Court, (Special Court for SC ST cases) Dharmapuri, that the learned counsel appearing for the accused filed a petition Section 227 Cr.P.C., in CrI.M.P.No.325 of 2018 to discharge the accused

from the above case and it is pending. While the petition was posted for arguments of the respondent, the learned counsel for the petitioner/accused threatened the Court that if the petition is dismissed, the Court will become the offender. Further, the learned counsel for the petitioner/accused indirectly threatened the Presiding Officer to allow the discharge petition filed by the petitioner/accused. Therefore, the Presiding Officer requested this Court to transfer S.C.No.103 of 2017 to some other Sessions Court.

4.Considering facts and circumstances of the case and the submission of the Presiding Officer, the case in S.C.No.103 of 2017 is hereby withdrawn from the file of the Principal District and Sessions Court, (Special Court for SC ST Act cases) Dharmapuri and transferred to the file of the Additional District Sessions Court, Dharmapuri. Accordingly, on receipt of the entire case bundle in S.C.No.103 of 2017, the Additional District and Sessions Judge, Dharmapuri, is directed to complete the trial within a period of six months from the date of receipt of the case bundle.

5.With the above direction, the Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar (ADI MDU)

//True copy//

Sub Assistant Registrar

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To

1.Principal District and Sessions Court, (Special Court for SC ST Act cases), Dharmapuri.

2.The Additional District and Sessions Judge, Dharmapuri,

3.The Deputy Commissioner of Police
Dharmapuri Sub Division
Dharmapuri.

4.The Public Prosecutor
High Court of Madras.

Cr1.O.P.No.3940 of 2020

VS (CO)
GMY (25/09/2020)