

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2020

CORAM :

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.O.P.No.5086 of 2019
and
Crl.M.P.No.2956 of 2019

Mrs.V.Jayanthi

...Petitioner/defacto
complainant

.Vs.

1. State by
Inspector of Police,
District Crime Branch,
Thiruvallur District,
Crime No.12 of 2017.

2.Ramlal

3.R.Kuppan

4.J.Tarachand

5.Vikram

6.M.K.Vinoth

7.Navaratan Sowthiri

...Respondents/Complainant/
Accused 1 to 6

PRAYER: Criminal Original Petition filed under Section 407 of Criminal Procedure Code to transfer the C.C.No.37 of 2018 pending on the file of Learned Judicial Magistrate Court, Thiruthani, to any other Judicial Magistrate Court at Kancheepuram District or any other District.

For Petitioner : Mr.M.Jaikumar.

For Respondents: Mr.S.Karthikeyan,
Additional Public Prosecutor for R1.
Mr.P.Kumaresan for R2 to R7.

O R D E R

The matter was heard through "Video Conference".

2.This Criminal Original Petition has been filed seeking the relief to transfer the C.C.No.37 of 2018 pending on the file of Judicial Magistrate Court, Thiruthani to any other Judicial Magistrate Court at Kancheepuram District or any other District.

3.Heard Mr.M.Jaikumar, learned Counsel appearing for the petitioner and Mr.S.Karthikeyan, learned Additional Public Prosecutor appearing for the first respondent and Mr.P.Kumaresan, learned Counsel appearing for the respondents 2 to 7.

4.The learned Counsel appearing for the petitioner would submit that after the initiation of trial proceedings before the Judicial Magistrate, Thiruthani, on the side of prosecution, out of 8 witnesses, 3 witnesses have been examined as PW1 to PW3 and thereafter, due to the threatening made by the respondents 2 to 7, the other Witnesses who are all cited in the charge sheet have not appeared before the trial Court for giving evidence. Therefore, in the said circumstances, it is necessary to transfer the C.C.No.37 of 2018 from the file of Judicial Magistrate, Thiruthani to some other Judicial Magistrate which is situated in Kancheepuram.

5.Now on considering the rival submissions made by the learned Counsel appearing on either side and on considering the fact that already four witnesses have been examined on the side of the prosecution, this Court is of the view that examining the remaining four witnesses before the said Judicial Magistrate Court, Thiruthani is not a difficult task. More than that, though the petitioner herein made allegation against the accused that they have threatened the witnesses, in order to substantiate the same, he has not produced any relevant materials or documents. Further, the learned Counsel appearing for the petitioner has also fairly conceded that no complaint has been lodged before the police officers for taking action against the accused for threatening the listed witnesses.

6.Therefore, the circumstances now indicated by the learned Counsel appearing for the petitioner is not sufficient to transfer the petition mentioned Calendar Case in C.C.No.37 of 2018, pending on the file of the Judicial Magistrate Court, Thiruthani to any other Judicial Magistrate Court at Kancheepuram or any other District.

7.Accordingly, this petition is dismissed. Consequently, connected miscellaneous petition is closed. However, the learned

Judicial Magistrate, Thiruthani is directed to dispose the petition mentioned Calendar Case in CC.No.37 of 2018 within a period of six months from the date of receipt of copy of this order.

Sd/-
Assistant Registrar(L.A)

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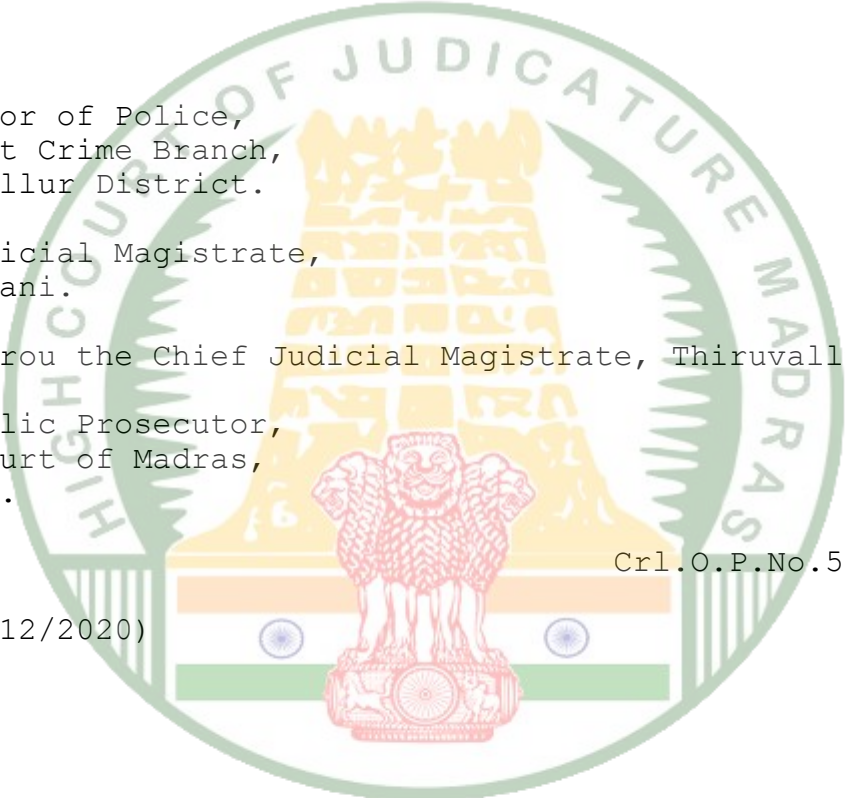
Sub Assistant Registrar

To

1. Inspector of Police,
District Crime Branch,
Thiruvallur District.
2. The Judicial Magistrate,
Thiruthani.
3. -Do- Throu the Chief Judicial Magistrate, Thiruvallur.
4. The Public Prosecutor,
High Court of Madras,
Chennai.

Cr1.O.P.No.5086 of 2019

rr ii (03/12/2020)

The seal of the High Court of Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital of Ashoka in front of it. The gopuram is set against a green background with a white border. The words "HIGH COURT OF JUDICATURE MADRAS" are written in a circular path around the central image. Below the seal, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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