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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.6109 of 2020

and

Crl.M.P.No.3416 of 2020

1. K.Kavitha
2. S.Kumar @ Rajendiran ... Petitioners/Accused

Vs.

The State Rep.by its
The Station House Officer,
Kandamangalam Police Station,
Villupuram Taluk,
Villupuram District.
Crime No.205 of 2016.

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 407 of Cr.P.C. praying to withdraw the Crl.M.P.No.842 of 2016 in Special S.C.No.126 of 2016 in Crime No. 205 of 2016 on the file of Sessions Judge, Special Court for exclusive Trial of cases registered under the SC/ST Act (POA) 1989 Villupuram and transfer the same and any other competent Court at Chennai.

For Petitioner : Mr. R.Chandrasekaran

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor.

O R D E R

This petition has been filed seeking a direction to withdraw the Crl.M.P.No.842 of 2016 in Special S.C.No.126 of 2016 in Crime No. 205 of 2016 on the file of Sessions Judge, Special Court for exclusive Trial of cases registered under the SC/ST Act (POA) 1989 Villupuram and transfer the same and any other competent Court at Chennai.

2. Heard Mr.R.Chandrasekaran, learned counsel appearing for the petitioner, Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing for the respondent.

3. The learned counsel for the petitioners submitted that



the petitioners have been charged for the offences under Section 306 of IPC r/w 3(2)(v) of SC/ST Act in S.C.No.126 of 2016. The first petitioner is bedridden and she is under coma stage and she is not able to attend the court. Further if the trial continues in the same court, there must be law and order problem and possibility of gang attack on the petitioners. Hence this petition.

4. On perusal of records, the petitioners are arrayed as A1 and A2. Both are husband and wife. Even according to the petitioner, the first petitioner is bedridden and suffering from coma and she is not able to attend the court. Even if the trial is transferred to other court, the first petitioner can not attend the court. Further the petitioner did not make out any ground to transfer the case from the file of the learned Sessions Judge, Special Court for exclusive trial SC ST Villupuram to any other Court. Therefore, this petition is liable to be dismissed.

5. In view of the above discussion, this criminal original petition is dismissed. Considering the physical condition of the first petitioner, the personal appearance of the first petitioner is dispensed with and she shall be represented by a counsel after filing appropriate application. However, the petitioner shall be present before the Court at the time of furnishing of copies, framing charges, questioning under Section 313 Cr.P.C. and at the time of passing judgment. Further, considering the case is of the year 2016, the trial Court is directed to complete the trial within a period of three months from the date of receipt of a copy of this Order. Consequently, connected Criminal Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Ebsi

To

1. The learned Sessions Judge,
Special Court, Villupuram
2. The Station House Officer,
Kandamangalam Police Station,
Villupuram Taluk,
Villupuram District.



3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Chandrasekaran, Advocate, S.R.No. 22952

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Cr1.O.P.No.6109 of 2020

VBA (CO)
GN(01/07/2020)