

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.08.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.6000 of 2020

T. Vasantha

...Petitioner

Vs.

State rep by
The Inspector of Police,
Kariyapattinam Police Station,
Nagapattinam.

...Respondent

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to withdraw the SC.No.47 of 2015, SC.No.51 of 2015 and SC.No.55 of 2015 from the file of the Principal District and Sessions Judge, Nagapattinam and transfer the same to the District and Sessions Court, Thiruvavarur.

For Petitioner : Mr.K.Semmalai

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to withdraw the S.C.No.47 of 2015, S.C.No.51 of 2015 and S.C.No.55 of 2015 from the file of the Principal District and Sessions Judge, Nagapattinam and transfer the same to the District and Sessions Court, Thiruvavarur.

2. The petitioner is the complainant and wife of the deceased. The deceased/husband of the petitioner contested for the Presidentship in the local body election and lost in the election. In this regard, there was a dispute between the rival party and the petitioner's husband group. As such, petitioner's husband was murdered by the accused persons. In this regard, there are totally three cases registered as against the accused persons. In all the three cases, the respondent filed a final report and the same have been taken cognizance by the trial court and it is pending for trial in S.C.Nos.47, 51 and 55 of 2015 on the file of the Principal District and Sessions Court, Nagapattinam. It is further averred in the the petition that the

Presiding Officer did not conduct trial and it is pending for the past five years. The Presiding Officer so far has examined only one witness in S.C.No.47 of 2015 and 6 witnesses in S.C.No.51 of 2016 and no one was examined in S.C.No.55 of 2015. The Presiding Officer is very slow in conducting the trial.

3. The learned Additional Public Prosecutor appearing for the respondent has submitted that the trial in three cases are pending because of the non-appearance of the accused persons, one or the another. Further due to COVID-19, now all the trial are standing still.

4. Considering the above submission made by the learned Additional Public Prosecutor, the grounds raised by the petitioner cannot be considered for transfer of all the cases to other court, due to the prevailing COVID-19 Pandemic situation, the trial court could not complete the trial. Therefore, the prayer sought for in this petition cannot be considered.

5. In the result, this Criminal Original Petition is dismissed. However, the Principal District and Sessions Judge, Nagapattinam, is directed to complete the trial in all the three cases, (S.C.No.47 of 2015, S.C.No.51 of 2015 and S.C.No.55 of 2015), within a period of six months from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gv
To

1.The Inspector of Police,
Kariyapattinam Police Station,
Nagapattinam.

2. The Principal District and Sessions Judge,
Nagapattinam.

3.The Additional Public Prosecutor,
High Court, Madras.

CRL.O.P.No.6000 of 2020

KK(CO)
RMP(05/11/2020)