

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:16.07.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.9479 of 2019

- 1.Arunagiri M/49 yrs,
S/o.Kumarasamy @ Ranganathan,
179, West Street, Gandhithirunallur,
Muthirapalayam, Puducherry.
- 2.Subramani M/60 yrs,
S/o.Arumugham, Sembadai Street,
Tindivanam.
- 3.Marie F/46 yrs,
W/o.Arunagiri,
179, West Street, Gandhithirunallur,
Muthirapalayam, Puducherry. ... Petitioners

Vs

State represented by

- 1.The Inspector of Police,
Mettupalayam Police Station,
Puducherry
(Crime No.156 of 2011)
- 2.Velu S/o.Ranganathan @ Kumarasamy,
56, 1st Cross, Gandhi Nagar,
Puducherry. ... Respondents

PRAYER: Criminal Original Petition filed under Section 407 of Cr.P.C, praying to transfer the case in PRC No.27 of 2016 pending on the file of the Judicial Magistrate No.IV, Puducherry to any other Court in Chengalpattu District.

For Petitioner : Mr.A.M.Rahamath Ali
For R1 : Mr.V.Balamurugane
Additional Public Prosecutor (Puducherry)
For R2 : No appearance

O R D E R

This petition has been filed seeking to transfer the case in PRC No.27 of 2016 pending on the file of the learned Judicial Magistrate No.IV, Puducherry to any other Court in Chengalpattu District.

2.The learned Additional Public Prosecutor would submit that the first respondent after completing the investigation filed the final report in Crime No.156 of 2011 for the offences under section 307 r/w.34 IPC. There are four accused in this case, in which, the petitioners are arrayed as A1, A3 and A4. A2 died and A1 and A3 never appeared before the committal Court and as such it is pending for committal for the past four years. Therefore, the learned Judicial Magistrate-IV, Pondicherry, had issued Non Bailable Warrant as against the petitioners and it is pending.

3.The learned counsel for the petitioner would submit that the petitioners are under life threat from the counter parties. Therefore, they could not able to appear before the Judicial Magistrate-IV, Pondicherry and as such he seeks transfer of the entire proceedings from the Judicial Magistrate-IV, Pondicherry to other Court in Chengalpet District.

4.It is seen that for the past four years there is absolutely no evidence to show that there are attack as against the petitioners. Further, since Non appearance of the petitioners, now the case is pending even for committal for the past four years and also Non Bailable Warrant is pending as against the petitioners. Therefore, the petitioners are not entitled for any relief since Non Bailable Warrant pending against them. This Court is not inclined to entertain this petition. Accordingly, this Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mpa
To

- 1.The Judicial Magistrate No.IV, Puducherry.
- 2.The Inspector of Police,
Mettupalayam Police Station,
Puducherry.
3. The Public Prosecutor, High Court, Madras.

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SVI (CO)
RMP (02/09/2020)