

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2020

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.14669 of 2020

Dhanapal

...Petitioner

.Vs.

1. The Inspector of Police,
Samalpatti Police Station,
Krishnagiri District.
Krishnagiri.

2. Mohan @ Jim Mohan
3. Vetrivel
4. Vedi@Vediyappan
5. ChithiraiPandi
6. Samraj

...Respondents

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, to withdraw the C.C.No.140 of 2019 on the file of the Hon'ble Judicial Magistrate Court, Uthangarai and to transfer the same to any other Judicial Magistrate Court at some other district.

For Petitioner : Mr.K.Thiruvengadam

For 1st Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

O R D E R

This petition has been filed to withdraw the C.C.No.140 of 2019 on the file of the Hon'ble Judicial Magistrate Court, Uthangarai and to transfer the same to any other Judicial Magistrate Court at some other district.

2. Heard Mr.K.Thiruvengadam, learned counsel appearing for the petitioner and Mr.S.Karthikeyan, learned Additional Public Prosecutor, appearing for the 1st respondent.

3. The learned counsel for the petitioner would submit that the petitioner is the complainant. Now, the trial is pending on the file of the learned Judicial Magistrate Court, Uthangarai, in C.C.No.140 of 2019 for the offences under Sections 147, 148, 294(b), 324, 323, 506(ii), 326 and 149 of IPC as against the accused persons. He would further submit that whenever the defacto complainant went to the trial court, he was threatened by the accused persons and also threatened not to depose before the trial Court. He would further submit that the trial Court also very liberal in granting adjournments at the request of the accused. Therefore, he sought for transfer of entire trial to any other Judicial Magistrate Court.

4. The learned Additional Public Prosecutor submitted that so far as the prosecution has been examined 10 witnesses as PW1 to PW10 and the case was posted for further evidence. No such occurrence took place in the trial Court and in fact, the petitioner also examined as PW1 and the 1st respondent registered a case in crime No.126 of 2019 for the offences under Sections 116, 306 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 as against the accused persons.

5. It is seen that the petitioner is the defacto complainant and on the complaint, the 1st respondent registered a case and it is pending in C.C.No.140 of 2019 on the file of the Judicial Magistrate for trial. So far as PW1 to PW10 were examined and in fact, the petitioner also examined as PW1 and it is posted for further evidence.

6. The learned counsel for the petitioner would submit that the relatives of the petitioner are coming before the trial court for deposing they were threatened by the accused persons and further submitted that the trial court is also very liberal in granting adjournment at the request made by the accused. Admittedly, the petitioner was examined and on perusal of F.I.R., the occurrence took place in the house of the petitioner. There is no evidence to show that the petitioner or his relatives were threatened in trial court. If the petitioner or his family members were threatened by the accused persons, he always at liberty to lodge a complaint to the trial Court. On receipt of the same, the trial court is directed to take appropriate action as against the accused persons. On the ground of granting liberal adjournments cannot transfer the entire trial, after the trial court was examined PW1 to PW10 and also posted for further evidence. Therefore, transfer of the trial cannot be granted at this stage. However, the trial court is directed to complete the trial within a period of Nine months from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar

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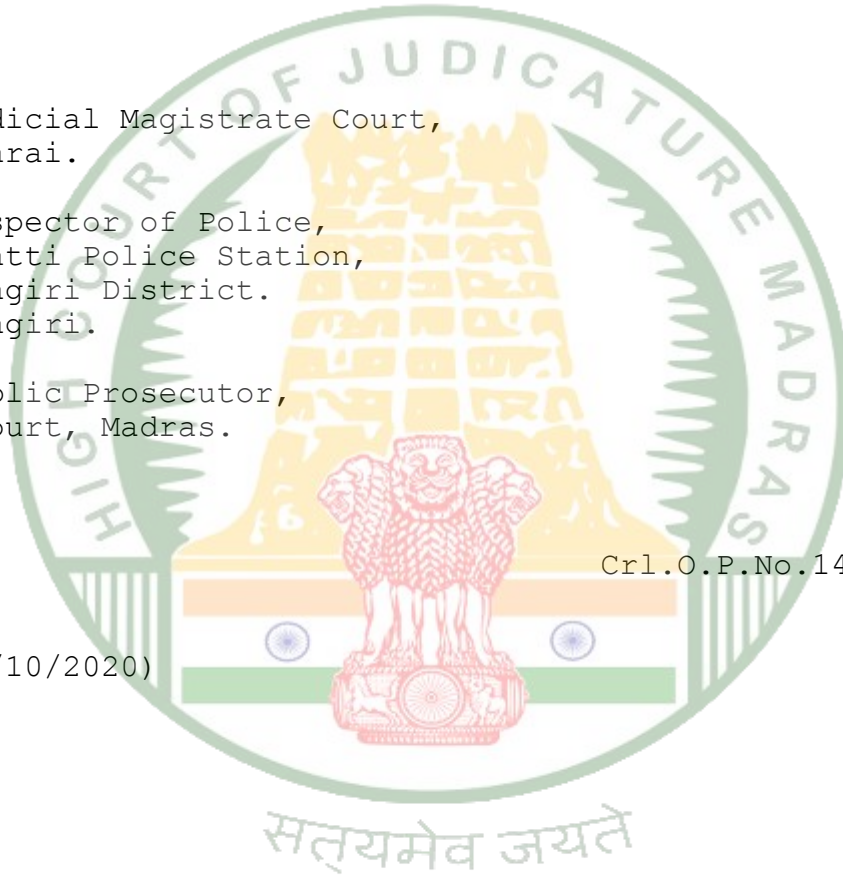
Sub Assistant Registrar

To

1. The Judicial Magistrate Court,
Uthangarai.
2. The Inspector of Police,
Samalpatti Police Station,
Krishnagiri District.
Krishnagiri.
3. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.14669 of 2020

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