

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No. 21185 of 2017
and
Crl.M.P.No.12502 of 2017

Siva @ Sivakumar ... Petitioner/Accused
Vs.

State by
The Inspector of Police,
CBCID, Namakkal,
Pallipalayam Police Station.
Crime No.310 of 2010 ... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 407 of Cr.P.C. praying to withdraw and transfer S.C.No.69 of 2012 on the file of the Fast Track Mahila Court, Namakkal to any other district.

For Petitioner : Mr.A.Thirumaran

For Respondent : Mr.K.Prabakar
Additional Public Prosecutor

ORDER

This petition has been filed to transfer the proceeding in S.C.No.69 of 2012 from the file of the Fast Track Mahila Court, Namakkal to any other district Court.

2. The learned counsel appearing for the petitioner submitted that the Additional Public Prosecutor, who appeared in the above case, belongs to the political party and he is also known to the deceased and the eye witnesses in the above case. Hence the petitioner will not get any proper justice and he prayed to transfer the case to some other Court.

3. The learned Additional Public Prosecutor appearing for the respondent submitted that, this is a case arising out of the offence under Section 302 of IPC. The petitioner also involved in another case for committing rape and the matter is posted for judgement. He further submitted that pending the trial, the petitioner was absconded from the judicial custody and Non-bailable Warrant is pending from the year 2013. Thereafter, only in the year 2017, he was secured and proceeded to trial. After securing the petitioner, the

prosecution have examined 43 witnesses and proceeded for further official proceedings. At this stage, again only to drag the proceedings, the transfer petition has been filed.

4. Considering the above, this Court finds no merits in this petition, since the petitioner was abscond for the past four years and only now in the year 2017, he was secured and the trial proceedings are now going on and more than 43 witnesses were examined on the side of the prosecution. At this stage, the transfer of the case cannot be considered and this petition is dismissed. However, the learned Judge of Fast Track Mahila Court, Namakkal is directed to complete the trial proceedings within a period of three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar(CS-)

True Copy

Sub-Assistant Registrar

To

1. The Inspector of Police,
CBCID, Namakkal,
Pallipalayam Police Station,
Tiruchengode Taluk,
Namakkal District.

2. The Public Prosecutor,
High Court, Madras.

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