

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.Nos.30136 and 30142 of 2019
and Crl.M.P.Nos.16286 and 16289 of 2019

Mr.Uthirapathy ... Petitioner in both petitions

Vs.

Mr.Periyasamy ... Respondent in both petitions

PRAYER in CRL.O.P.No.30136 of 2019: Criminal Original Petition is filed under Section 407 r/w 482 of the Code of Criminal Procedure, to transfer the pending case in C.A.No.15 of 2018, on the file of the III Additional District and Sessions Court, Virudhachalam, to that of any other court.

PRAYER in CRL.O.P.No.30142 of 2019: Criminal Original Petition is filed under Section 407 r/w 482 of the Code of Criminal Procedure, to transfer the pending case in C.A.No.14 of 2018, on the file of the III Additional District and Sessions Court, Virudhachalam, to that of any other Court.

For Petitioner in both petitions : Mr.V.S.Senthil Kumar

For Respondent in both petitions : Mr.R.Dillikumar

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COMMON ORDER

These Criminal Original Petitions have been filed to transfer the pending case in C.A.Nos.14 and 15 of 2018, on the file of the III Additional District and Sessions Court, Virudhachalam.

2. Heard Mr.S.V.S.Senthil Kumar, learned counsel for the petitioners and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor for the respondent.

3. The learned counsel for the petitioners submitted that if the appeals are continued to be heard by the same Court, fair justice will not be rendered for the reason that the Presiding Officer threatening the appellants to settle the matter.

4. The learned counsel for the respondent submitted that the petitioners were convicted by the trial Court as against which, they filed appeals in C.A.Nos.14 and 15 of 2018, which is pending from May 2018 and the petitioners keep on taking time for arguments. While, pending the appeals, the petitioners have filed a petition under Section 293 of Cr.P.C and the same was returned. As against the said order, the petitioners approached this Court in Crl.O.P.No.7718 of 2019 and by an order dated 22.03.2019, this Court directed the appellate Court to take up the petitions and pass orders on merits.

5. Accordingly, the said petitions are numbered in C.M.P.Nos.103 and 104 of 2019 and thereafter, dismissed by an order dated 23.07.2019. Even then the petitioners did not appear before the appellate Court and argue the appeal. Now, the petitioners come forward with these petitions for transfer. After filing these petitions, these petitioners filed a memo before the appellate Court to take adjournment. Therefore, these petitions must be only to drag on the proceedings and prayed for dismissal of the petitions.

6. These petitions have been filed to transfer the Criminal Appeal in C.A.Nos.14 and 15 of 2018 on the file of the III Additional District and Sessions Judge, Virudhachalam, to that of any other Court as pointed out by the learned counsel for the respondent. This Court has directed the first Appellate Court to number the applications under Section 294 of Cr.P.C.

7. Accordingly, the first Appellate Court numbered the applications in C.M.P.Nos.103 and 104 of 2019 and dismissed the same on merits. Even, then the petitioners did not argue the appeals and filed these petitions with the false allegations. Therefore, these petitions are nothing but wasting the judicial process of Court and only to drag on the proceedings.

8. Therefore, this Court finds no merits in these petitions. Accordingly, these petitions are dismissed. However, the Appellate Court are directed to dispose of the appeal, within a period of eight weeks from the date of the receipt of a copy of this Order. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The III Additional District and Sessions Court,
Virudhachalam.
2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Dillikumar, Advocate, S.R.No.20429

CRL.O.P.Nos.30136 and 30142 of 2019
and Crl.M.P.Nos.16286 and 16289 of 2019

RSV (CO)
KKV/18/03/2020

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