

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 05.03.2020
CORAM
THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.33228 of 2019

Bhuvaneshwari

.. Petitioner

Vs

1.State rep by,

The Inspector of Police,
Gurubarapalli Police Station,
Krishnagiri District.
(Crime No.213/2016)

2.Vediappan

... Respondents

R2 is impleaded as per order
in Crl.M.P.No.599/2020 in Crl.O.P.No.33228/19
dated 21.01.2020.

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to withdraw S.C.No.112 of 2019 on the file of Mahila Court, Krishnagiri and transfer the same to the file of Mahila Court, Chennai.

For Petitioner : Mr.K.Govi Ganesan

For Respondents : Mr.M.Mohamed Riyaz

Additional Public Prosecutor
for R1

O R D E R

The petition has been filed to withdraw the S.C.No.112 of 2019 on the file of Mahila Court, Krishnagiri and transfer the same to the file of Mahila Court, Chennai.

2.The petitioner was attacked with acid by the 2nd respondent herein due to love failure. On such complaint, a case was registered in Crime No.213 of 2016 for the offences under Section 307, 450 and 326(a) of IPC. The complaint was taken up for investigation and the charge sheet laid was taken on file as S.C.No.112 of 2019 by the Sessions Judge, Mahila Court, Krishnagiri. The petitioner apprehends life threat at the hands of the 2nd respondent, since the 2nd respondent had attacked her with acid and requests for transfer of the case

from the Mahila Court, Krishnagiri to Mahila Court, Chennai.

3.The learned Additional Public Prosecutor submitted that the 1st respondent police is ready to provide police protection to the petitioner at the time of examination before the Trial Court. Further, there is no proof to show that the petitioner has life threat at the hands of the 2nd respondent and no complaint has been received in this regard.

4.Considering the above facts and circumstances that all the witnesses are residing within the jurisdiction of the Mahila Court, Krishnagiri, it is very difficult for the prosecution to prove their case, if the same is transferred to other district. Therefore, this Court is not inclined to transfer the case from the Mahila Court, Krishnagiri, to Chennai. Accordingly, this Criminal Original Petition stands dismissed.

5.However the respondent is directed to provide adequate police protection, when the petitioner/victim is examined before the Trial Court in S.C.No.112 of 2019 on the file of the Mahila Court, Krishnagiri.

Sd/-

Asst.Registrar (TNMCC)

/true copy/

Sub Asst. Registrar

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To

1.The Mahila Court
Krishnagiri

2.The Inspector of Police,
Gurubarapalli Police Station,
Krishnagiri District.

3.The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.K.Govi Ganesan Advocate sr19906

Cr1.O.P.No.33228 of 2019

aa15/04/2020