

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.01.2020

CORAM

THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM
CRL.O.P.No.34038 of 2019
and Crl.MP.No.18801 of 2019

N.Gopal

... Petitioner/Defacto Complainant
Vs.

1.The State Rep by
The Inspector of Police,
Mangalam Police Station,
Tiruppur.
Cr.No.45 of 2012.
Now Transfer to
The State rep. by
The Inspector of Central Police Station,
Tiruppur City,
Tiruppur.

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to pass an order for withdrawal of S.C.No.4 of 2015 on the file of Fast Track Mahila Court, Tiruppur and transfer the same to the Court of Mahila Court, Tiruvannamalai.

For Petitioner : Mr.B.Manimaran

For Respondent : Mr.M.Mohammed Riyaz
Additional Public Prosecutor

O R D E R

This petition has been filed by the defacto complainant to transfer the case in S.C.No.4 of 2015 from the file of the Fast Track Court, Mahila Court, Tiruppur to the Mahila Court, Tiruvannamalai.

2. The learned counsel for the petitioner has submitted that since the petitioner's daughter committed suicide by consuming poison, the petitioner has lodged a complaint before the respondent. Based on the same, FIR was registered in

Cr.No.45 of 2012 under Sections 498(A) and 306 IPC. He further submitted that after investigation the charge sheet was filed and the case was committed to the Court of Fast Track Mahila Court, Tiruppur and now the case is pending in SC.No.4 of 2019 on the file of the Mahila court, Tiruppur. He further submitted that since the petitioner is aged about 64 years and since he is having some ailment, he has been advised by the doctor not to travel and moreover other witnesses LWs. 2 to 5 are also residing at Tiruvannamalai. It is difficult for the aforesaid witnesses to travel from Tiruvannamalai to Tiruppur to give evidence and therefore he prayed to transfer the aforesaid case to the Fast Track Court, Mahila Court, Tiruvannamalai.

3. Per contra, the learned Additional Public Prosecutor has submitted that totally 25 witnesses cited and out of 25 witnesses only 5 witnesses are residing at Tiruvannamalai. He further submitted that merely because five witnesses are residing at Tiruvannamalai, the case cannot be transferred from Tiruppur to Tiruvannamalai. He further submitted that since the prosecution is being conducted by the Public Prosecutor, only for one or two hearings, the aforesaid witnesses have to appear before the Trial Court and hence the case need not be transferred to Tiruppur to Tiruvannamalai.

4. As contended by the learned Additional Public Prosecutor, the case is being conducted by the Public Prosecutor on behalf of the prosecution, the witnesses 1 to 5 may have to appear before the Trial Court for examination for 1 or 2 days only and hence the case cannot be transferred from Tiruppur to Tiruvannamalai on the ground that the said witnesses are native of Tiruvannamalai. Hence this Court does not find any merit in this petition. Accordingly, this petition is dismissed. Consequently Connected Miscellaneous Petition is closed.

5. Considering the fact that the case in S.C. No.4 of 2015 is pending before the Trial Court for the past five years, the Trial Court is directed to expedite the trial and dispose of the same within a period of six months from the date of receipt of a copy of this order.

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Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

drl

To

1.The State Rep by
The Inspector of Police,
Mangalam Police Station,
Tiruppur.

2. The State rep. by
The Inspector of Central Police Station,
Tiruppur City,
Tiruppur.

3. The Public Prosecutor,
High Court, Madras.

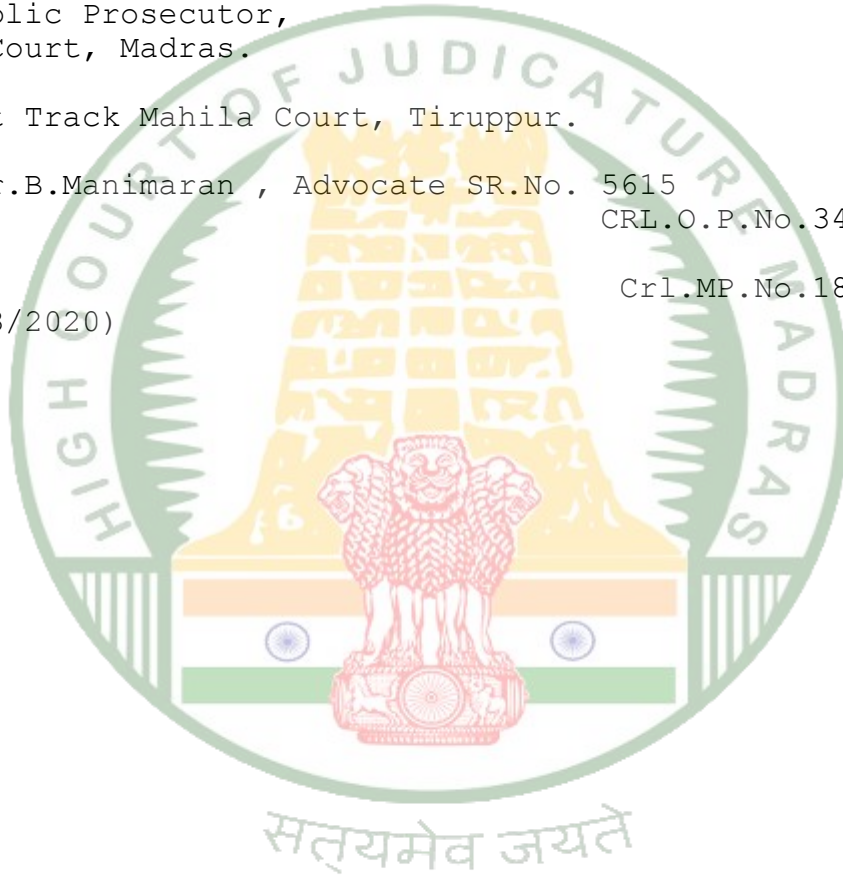
4.The Fast Track Mahila Court, Tiruppur.

+lcc to Mr.B.Manimaran , Advocate SR.No. 5615

CRL.O.P.No.34038 of 2019
and

CrI.MP.No.18801 of 2019

A.SK(17/03/2020)



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