



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.09.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **R.PONGIAPPAN**

CrI.O.P.[MD]No.8987 of 2020

R.Karthic Kumar

... Petitioner

Vs.

State Rep. by the
The Inspector of Police,
East Police Station,
Kovilpatti,
Thoothukudi District.

... Respondent

PRAYER : Criminal Original Petition is filed under Section 407 of Cr.P.C, to withdraw the case in S.C.No.301 of 2016 on the file of the learned Sessions Judge Mahalir Court, Thoothukudi and transfer the same to the learned Sessions Judge Mahalir Court, Tirunelveli.

For Petitioner	: Mr.A.Rajaram
For Respondent	: Mr.S.Chandrasekar
	Additional Public Prosecutor

O R D E R

The criminal original petition has been filed seeking the relief to withdraw the case in S.C.No.301 of 2016 pending on the file of the learned Sessions Judge Mahalir Court, Thoothukudi and transfer the same to the learned Sessions Judge Mahalir Court, Tirunelveli.

2.The learned counsel for the petitioner would submit that the petitioner herein is the de facto complainant in S.C.No.301 of 2016 pending on the file of the learned Sessions Judge Mahalir Court, Thoothukudi. As of now after examination of 16 witnesses on the side of the prosecution as P.W.1 to P.W.16 and after completing 313 Cr.P.C examination, the case is posted for hearing both sides arguments. He would further submit that now only the petitioner came to understand that the Advocate Mr.Arulswamy Sivakumar, who is appearing for the accused and the learned Sessions Judge, Mahila Court are the college-mates and friends. Moreover, the learned Judge Pandiyarajan's wife Mrs.Vijayalakshmi also working as Munsif in Tenkasi District and her father Mr.Venkatachalam, is the present



Panchayat President of Kasavankundru Village. Now by considering the relationship between the learned Sessions Judge and others, the petitioner was under the impression that the others may influence the Judge for favorable order. Therefore, it is necessary to transfer the case from the file of the learned Sessions Judge, Mahalir Court, Thoothukudi to the learned Sessions Judge, Mahalir Court, Tirunelveli.

3.Per contra, the learned Additional Public Prosecutor appearing for the respondent would submit that without any substantial documents the petitioner made allegation against the Presiding Officer of the Court. If this type of application are entertained, there may be a chance for misusing the name of the Judges.

4.Upon considering the arguments advanced by either side, though the petitioner has indicated the Presiding Officer's wife is the Judicial Officer and also his father-in-law is the president of Kasavankundru, he has not stated the relationship of the accused with those persons. So in the said circumstances, this Court has held that the petitioner did not indicate the special circumstances warranting the interference of this Court. It is the settled position that mere apprehension having by the petitioner is not a ground to transfer the proceedings from one Court to another Court at any event.

5.In view of the above, I am of the considered opinion that the reasons stated by the petitioner, are devoid of merits. Accordingly, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

cp

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1. The The Inspector of Police,
East Police Station,
Kovilpatti,
Thoothukudi District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.A.RAJARAM, Advocate (SR-16164[F] dated 08/09/2020)

CrI.O.P. (MD)No.8987 of 2020
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