

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 05.02.2021
CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.1911 of 2021
and Crl. MP. No.1100 of 2021

Selvakumar

... Petitioner

vs.

1. The Inspector of Police,
All Women Police Station (AWPS)
Perambalur
(in Crime No.13 of 2019) ... 1st Respondent/Complainant
2. Suguna ... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 407 of the Code of Criminal Procedure, to withdraw and transfer the Spl.S.C.No.8 of 2020 on the file of the Session Judge, Mahila Court, Perambalur to Session Judge, Mahila Court, Ariyalur competent to try the same.

For Petitioner : Ms.Usharamman
For Respondent : Mr.M.Mohammed Riyaz
Additional Public Prosecutor,
for R1

ORDER

This petition has been filed seeking for the transfer of the case pending on the file of the Sessions Judge, Mahila Court, Perambalur, to any other Court on the ground that the petitioner is facing threat from the brother of the Defacto complainant and he is also an Advocate at Perambalur Court.

2. Ms.Karthikayani, Sub Inspector of Police, appeared at the time of hearing of the case through Video conferencing.

3. The learned Additional Public Prosecutor on instructions submitted that the petitioner is facing trial before the Court below for an offence under Sections 9(l), 9(m), 9(n) and 10 of POCSO Act. The learned counsel further submitted that already 15 witnesses have been examined on the side of the prosecution and the petitioner did not cross-examine any of the witnesses. The petitioner thereafter filed an application under Section 311

of the Code of Criminal Procedure, to recall the witnesses for cross examination and the same was also allowed by the Court below and the case is posted on 08.02.2021.

4. This court is not convinced with the ground raised by the petitioner for transferring the case, which is now pending at the stage of trial before the Sessions Court, Mahila Court, Perambalur. If the petitioner faces any threat, it is always left open to the petitioner to inform the same, before the Court below and the Court below shall ensure that the petitioner is able to effectively defend himself without being threatened from any quarters. The Court below shall proceed further with the trial on a day to day basis and complete the proceedings as expeditiously as possible.

5. This Criminal Original Petition is disposed of accordingly. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Sessions Judge,
Mahila Court, Perambalur.
2. The Inspector of Police,
All Women Police Station (AWPS)
Perambalur
3. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

+1cc to M/s.Usha Ramman, Advocate SR.NO.6999

AKM/25.02.21/ 2P- 5C/

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