

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2021

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.4761 of 2021
and Crl.M.P.No.3017 of 2021

Salman

... Petitioner/Accused

Vs.

1. State represented by,
The Inspector of Police,
All Women Police Station,
Perambalur,
Perambalur District.1st Respondent/Complainant

2. Revathy2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to withdraw the S.C.No.14 of 2014 pending on the file of the Learned Session Judge (Mahila Court) Perambalur and to transfer the same to the file of District Sessions Court, Ariyalur or any other competent court in Ariyalur District.

For Petitioner : Mr.C.Prabakaran

For Respondents: Mr.M.Mohammed Riyaz
Additional Public Prosecutor
for R1

सत्यमेव जयते
O R D E R

This petition has been filed seeking for transfer of the proceedings in S.C.No.14 of 2014 pending on the file of the learned Sessions Judge (Mahila Court), Perambalur and to transfer the same to the file of the District and Sessions Court, Ariyalur.

2.The main ground on which the petitioner has sought for transfer is that the counsel who is appearing for the petitioner was assaulted in the Court and a complaint was also given in this regard before the Perambalur Police Station and the same was taken on file in CSR No.972 of 2020. In view of the charged atmosphere, the petitioner is not able to defend himself

effectively before the Court. Therefore, this petition has been filed before this Court seeking for transfer of the proceedings.

3.Ms.Jayachithra, Inspector of Police was present at the time of hearing. The learned Additional Public Prosecutor on instructions submitted that totally 19 witnesses have been examined in this case and 313 Cr.P.C questioning is also completed and the case is at the stage of final arguments and therefore, this petition has been filed only to drag on the proceedings. The learned Additional Public Prosecutor further submitted that if the counsel is facing any threat in appearing before the Court, a request can be made to the police and police will provide protection to the counsel to enable him to discharge his professional duty to the petitioner.

4.This Court has carefully considered the submissions made on either side and also the materials available on record.

5.In the present case, the proceedings are at the final stages after the completion of the trial and what is left is only the final arguments on the side of the petitioner. Therefore, this Court is not inclined to transfer the proceedings in this stage.

6.If the petitioner and the counsel appearing on behalf of the petitioner are facing any threat in attending the proceedings, a request shall be made to the 1st respondent in this regard and the 1st respondent shall provide security to the petitioner and his counsel and the Court below shall ensure that the petitioner is effectively defended and the counsel is not in any way stopped or threatened while appearing for the petitioner and peaceful atmosphere shall be maintained inside the Court at the time of hearing. Once this assurance is given to the petitioner, there is no requirement to transfer the proceedings.

7.This criminal original petition is disposed of accordingly. Consequently, connected miscellaneous petition is closed.

WEB COPY

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

ssr
To

1. The Session Judge (Mahile Court),
Perambalur.

2.The Sessions Judge,
Ariyalur.

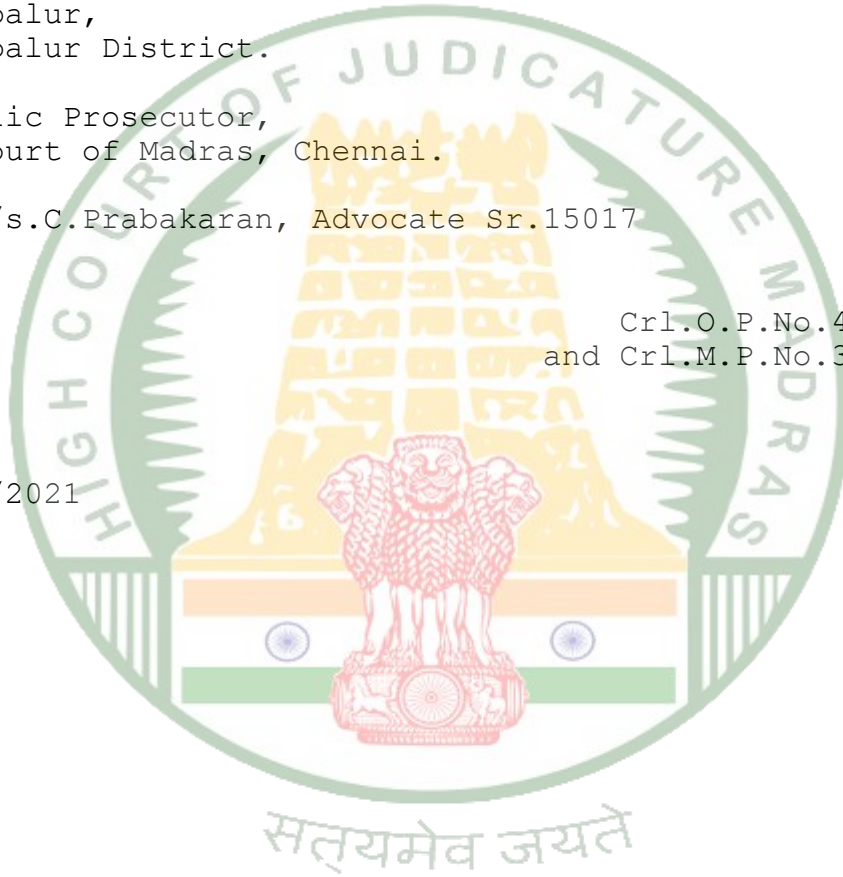
3. The Inspector of Police,
All Women Police Station,
Perambalur,
Perambalur District.

4.The Public Prosecutor,
High Court of Madras, Chennai.

+lcc to M/s.C.Prabakaran, Advocate Sr.15017

Crl.O.P.No.4761 of 2021
and Crl.M.P.No.3017 of 2021

pl[co]
srg 26/03/2021



WEB COPY