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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.1780 of 2018

Jeeva @ Jeevanandaraj
S/o. Manoharan ...Petitioner

Vs.

The Inspector of Police,
Annadanapatty Police Station,
Salem City, Salem District. ...Respondent

PRAYER: Criminal Original petition has been filed under Section 407 (c) (ii) of Cr.P.C, prayed to transfer the case pending committal in P.R.C.No.51 of 2017 in Cr.No.152 of 2017 pending on the file of learned Judicial Magistrate No.IV at Salem to some other Court other than Salem.

For Petitioner : Mr.M.Rajavelu

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

This Criminal Original Petition has been filed seeking to transfer the case pending committal in P.R.C.No.51 of 2017 in Cr.No.152 of 2017 pending on the file of learned Judicial Magistrate No.IV at Salem to some other Court other than Salem.

2. The case of the petitioner, the second accused viz., Vijyalakshmi is a professional Karakattam Dancer and she was married to one Karthikeyan before 13 years and residing with her son Balaji in a rental house at Salem Dadagapatty Ambal Eri, 5th Cross Street. While so, the second accused husband suspected that she was having illegal relationship with her husband elder sister's husband Kennady. Thereby, the second accused husband got separated from her after reducing the same in writing in a stamp paper. Thereafter, the second accused viz., Vijayalakshmi had been living with deceased Veluthayee, in Salem City.

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Further, on 10.04.2017 the said Veluthayee was found dead in her house. Thereafter, her son P.Velmani brother of the Vijayalakshi lodged a complaint before the respondent police in Crime No.150 of 2017 for the offence under Sections 302 and 363 of IPC.

3. After investigation, the petitioner and the second accused were arrested and remanded to judicial custody on 15.04.2017. Thereafter, they were enlarged on bail on condition that they should appear and sign before the respondent police. At that time, A2 has informed that Kennady and his brother Suryamurthy's son decided to commit murder of the petitioner for retaliation. Hence, the petitioner filed the present petition for transfer the case from Salem to any other district.

4. The learned counsel for the petitioner submits that the charge sheet has also been filed in P.R,C.No.51 of 2017 before the learned Judicial Magistrate, No.IV, Salem, thereafter the case was transferred to Mahila Court Salem in S.C.No.215 of 2019. He further submits that the petitioner is facing life threat from one Kennady and his brother Suryamurthy's son. Hence, the case may be transferred to any other district.

5. The learned Government Advocate (Crl.Side) submits that the case is of the year 2018 and till date no life threat has been complained of the petitioner. However, if there is any threat as alleged by the petitioner, the law enforcing agency will take care and provide necessary protection to the petitioner and other persons while appearing before the Court for adducing evidence.

6. In the above circumstances recording the aforesaid submissions of the learned Government Advocate (Crl.Side), this Criminal Original Petition is dismissed.

-s/d-
Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

msrm

To

1. The Judicial Magistrate No.IV,
   Salem.

2. The Inspector of Police,
   Annadanapatty Police Station,
   Salem City, Salem District.

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

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