

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2021

CORAM

THE HONOURABLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.20734 of 2020

and

Crl.M.P.No.8789 of 2020

1.L.Prabhakaran

S/o.M.Lazar

2.M.Selvaraj

S/o.Muthusamy

... Petitioners/Accused/Respondents

Vs.

1.V.Suresh

S/o.Veerasamy

...First Respondent/Respondent

2.The State Represented by its

Inspector of Police and Anti Corruption

The Nilgris Detachment

Udagamandalam

...Second Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 407 Cr.P.C. to withdraw the Spl.C.C.No.1 of 2018 in Crime No.V & AC Cr.No.1/2016/AC/N1 on the file of the Sub-Court, Udagamandalam, Nilgris District and transfer the same to Special Court Vigilance and Anti Corruption, Coimbatore, Coimbatore District.

For Petitioners : Mr.R.Chandrasekaran
For Respondent : Mr.C.Iyyappa Raj
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

This petition has been filed seeking for transfer of the Spl.C.C.No.1 of 2018 pending on the file of the Sub Judge, Udagamandalam, Nilgris District and transfer the same to another Court within Coimbatore District.

2. The grounds raised by the petitioners for seeking transfer is that the first petitioner is aged 57 years and he is going to retire within a year and that his health condition is very bad. Further, the first petitioner is working in Tiruppur and suffering with breathing trouble and due to his ill health, he is unable to travel to hill station to attend the Court.

3. The learned Counsel for the petitioners would submit that though the petition has been filed for seeking transfer on health grounds, it would be suffice, that time frame is fixed to the learned Judge to complete the trial within a specified period.

4. The learned Additional Public Prosecutor would oppose for transfer stating that it is the calender case of the year 2018 and that the case stands posted on 05.01.2021 for examination of LW-1 to LW-3 and at this stage of trial, this petition has been filed so as to delay the progress of trial and that no medical certificates or other materials have been enclosed by the first petitioner to show that he is suffering from ill health. He would further submit that the respondent would be able to complete the trial within a specified period.

5. Heard the learned Counsel on either side.

6. Taking into consideration the facts and submissions made by the learned Counsels and the fact that the calender case is of the year 2018 and that this petition seeking for transfer, has been filed after the case has been taken up for trial, this Court is not inclined to consider the request of the petitioners and thereby, the petition stands dismissed.

7. However, a direction is issued to the learned Sub Judge, Udagamandalam, Nilgris District, to complete the trial in Spl.C.C.No.1 of 2018

within a period of six months from today (04.01.2021). Further, the petitioners are directed to co-operate with the progress of the trial.

8. With the above direction, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

04.01.2021

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NOTE: Issue order copy today i.e. 04.01.2021

To

1.The Sub Judge, Udagamandalam,
Nilgris District

2.The Inspector of Police and Anti Corruption
The Nilgris Detachment
Udagamandalam

3.The Public Prosecutor,
High Court, Madras.



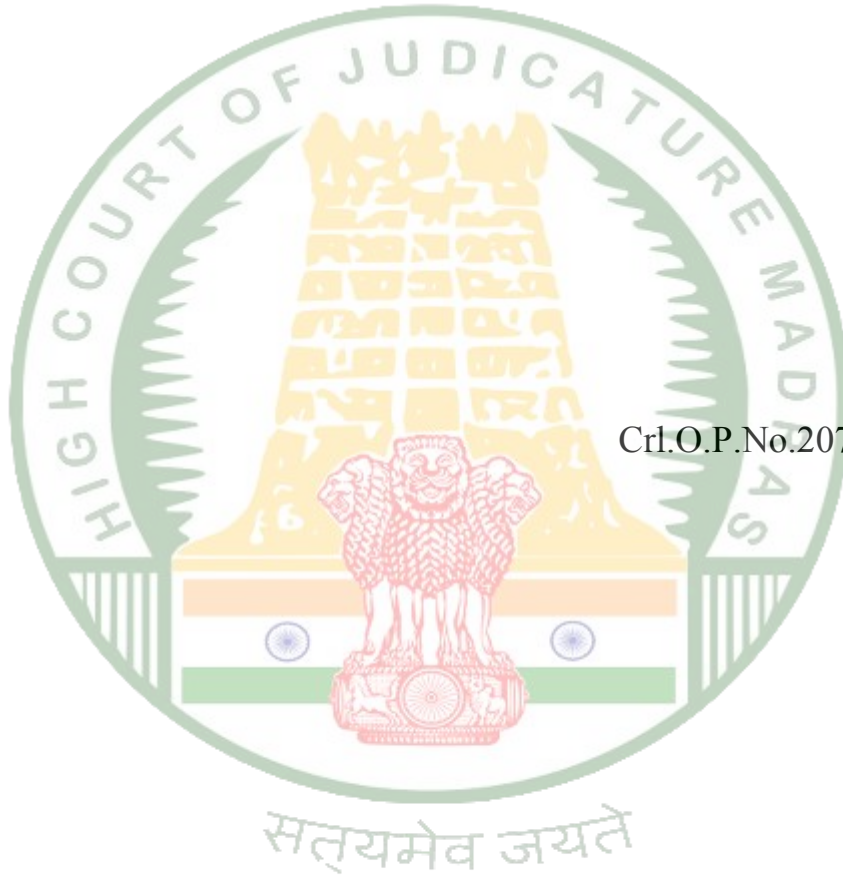
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A.D.JAGADISH CHANDIRA, J.

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04.01.2021