



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.12.2021

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.19559 of 2021

and

Crl.M.P.(MD)No.10922 of 2021

1.Muthu Ramalingam

2.Muthu Sudar

3.Arunachalam

... Petitioners/Accused

Vs.

1.The State rep. by
The Inspector of Police,
Eral Police Station,
Thoothukudi District.
(Crime No.331 of 2020)

... Respondent/Complainant

2.Vignesh

... Respondents/
Defacto Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to transfer the case in S.C.No.236 of 2020 from the Court of the II Additional District and Sessions Judge, Thoothukudi, Thoothukudi District to any of the Sessions Court in Tirunelveli District or any Court having competent jurisdiction in any District for the purpose of proceeding with the same.

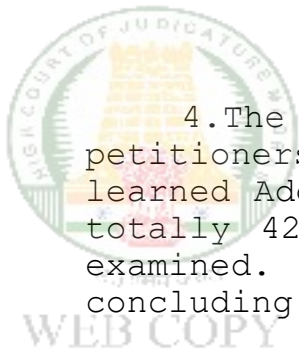
For Petitioners : Mr.J.Joseph Zinoson
For Respondents : Mr.T.Senthil Kumar,
Addl. Public Prosecutor for R1.

ORDER

Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the first respondent.

2.The petitioners are facing trial in S.C.No.236 of 2020 on the file of the II Additional District and Sessions Court, Thoothukudi. It is a murder case. The petitioners want to transfer the case to some other Court for the reasons set out in the affidavit filed in support of this petition.

3.The learned counsel for the petitioners reiterated all the contentions set out therein.



4.The reasons projected by the learned counsel for the petitioners do not persuade me to grant the relief sought for. The learned Additional Public Prosecutor would point out that there are totally 42 witnesses. Out of the, 35 witnesses have already been examined. The High Court has also stipulated a time limit for concluding the trial.

5.In these circumstances, it may not be appropriate for me to transfer the case to some other Court. However, taking note of the submissions made by the learned counsel for the petitioners, the presiding Judge is directed to ensure that the petitioners herein do not face any ill-treatment at the hands of the court staff. It is stated that the father of the deceased is also a court staff. His influence ought not to fall on the proceedings in any manner. When the petitioners want to cross examine the remaining witnesses including the investigation officer, the cross examination shall be allowed to be conducted in full without any interruption.

6.The learned counsel for the petitioners submitted that he would like to seek a recall of one or two witnesses. Considering the exceptional circumstances of this case, the Court below is called upon to favourably consider any such recall petition on condition that the petitioners will have to file the recall petition in the next hearing date itself and as when the witnesses are produced, the cross examination shall be done on the same date.

7.With these directions to the learned Presiding Judge, this criminal original petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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 II Additional District and Sessions Court,
Thoothukudi.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Inspector of Police,
Eral Police Station,
Thoothukudi District.

Copy to

The Additional Public prosecutor,
Madurai Bench of Madras High Court, Madurai

+1 CC to M/s.J.JOSEPHZINOSON, Advocate (SR-38170[F] dated
10/12/2021)

Crl.O.P(MD)No.19559 of 2021
10.12.2021

NSN(CO)
KB(24.12.2021) 3P 5C