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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.7707 of 2022

and

Crl.M.P.No.4440 of 2022

M.Sangeetha

...Petitioner / Defacto Complainant

Vs.

1. The Superintendent of Police,
O/o. Superintendent of Police,
Villupuram District.

2. The Inspector of Police,
All Women Police Station,
Tindivanam,
Villupuram District.

3. S.V.Mohan Chettiar

4. M.Prema

5. M.Geethai Priyan

6. M.Rajavelu

... Respondents / Accused Nos.2 to 5

PRAYER: This Criminal Original Petition is filed under Section 407 of Criminal Procedure Code, pleaded to pass an order to withdraw the proceedings in C.C.No.119/2014 pending on the file of the learned Judicial Magistrate Court No.1, Tindivanam, Villupuram District and to transfer the same to any other competent court in Madurai District or any other adjacent district.

For Petitioner : Mr.C.M.Arumugam

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor



O R D E R

The Criminal Original Petition has been filed seeking to pass an order to withdraw the proceedings in C.C.No.119/2014 pending on the file of the learned Judicial Magistrate Court No.1, Tindivanam, Villupuram District and to transfer the same to any other competent court in Madurai District or any other adjacent district.

2. Learned counsel appearing for the petitioner would submit that based on the complaint given by the petitioner, a case in Crime No.3 of 2013 was registered by the 2nd respondent against the Ex-husband and in-laws of the petitioner. The case was registered for the offences punishable under Sections 294(b), 498(a), 506(i) of IPC and under Section 4 of Dowry Prohibition Act, against 5 accused. The respondent after completion of investigation, had filed the final report and the case was taken on file in C.C.No.119 of 2014 on the file of the Judicial Magistrate No.1, Tindivanam, Villupuram District. Meanwhile, A1 in this case absconded and he left to Australia and thereafter, he did not come back to India. The learned trial Judge vide order dated 06.12.2018 in Cr.M.P.No.3104 of 2018, has split up the case as against A1 and the case against the other remaining accused is proceeded with.

3. He would further submit that the petitioner finding that the respondent have not taken any steps to extradite the main accused, had filed CrI.O.P.No.17510 of 2021, challenging the order of split up and this Court while dismissing the petition vide order dated 04.10.2021, had directed the trial Court to complete the extradition formalities in respect of A1 and take earnest steps to secure the absconding A1 and this Court also directed the trial Court to complete the trial in respect of the remaining accused within a period of six months from the date of receipt of a copy of that order. Though, the order has been passed on 04.10.2021, there is no progress in the trial and the case is being adjourned day by day, thereby, the present petition has been filed by the petitioner.

4. He would also submit that though the petition has been filed seeking for transfer, it would be suffice that a direction may be issued to the trial Judge concerned to complete the trial in compliance of the order dated 04.10.2021 in CrI.O.P.No.17510 of 2021 within the time frame to be fixed by this Court.

5. Learned Additional Public Prosecutor would submit that subsequently, on receipt of the order, the respondent are taking legal opinion in respect of extradition proceedings against A1. He would further submit that the respondent are ready to complete the trial if a date is fixed by this Court.



6. At this juncture, learned counsel appearing for the petitioner would submit that majority of the witnesses are relatives of the petitioner and they will be able to present before the trial Court on any date fixed by this Court.

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7. Heard the learned counsel and perused the materials available on record.

8. In view of the above, learned trial Judge is directed to complete the trial in accordance with the mandate passed by this Court in CrI.O.P.No.17510 of 2021 dated 04.10.2021.

9. Accordingly, this Criminal Original Petition stands disposed of with the above direction. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

rgi/ham
To

1. The Judicial Magistrate Court No.1,
Tindivanam, Villupuram District.
2. The Superintendent of Police,
O/o. Superintendent of Police,
Villupuram District.
3. The Inspector of Police,
All Women Police Station,
Tindivanam, Villupuram District.
4. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.C.M.Arumugam, Advocate, S.R.No.23177

CrI.O.P.No.7707 of 2022
and
CrI.M.P.No.4440 of 2022

SR[co]
NSK 20/04/2022