

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :06.07.2022

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

CRL.O.P.Nos.15359, 15363, 15364, 15365 & 15369 of 2022
and

Crl.M.P.Nos.8630, 8632, 8631, 8633 & 8635 of 2022

1.Vijaya
2.V.Senthil Kumar
3.Chitra
4.Veeramani ... Petitioners/Accused 1 to 4 in all Crl.O.P's

Versus

State rep by
The Inspector of Police,
Economic Offences Wing,
Cuddalore & District.

... Respondent/Complainant in all Crl.O.P's

COMMON PRAYER: Criminal Original Petitions filed under Section 407 of the Code of Criminal Procedure, pleaded to withdraw the proceedings in C.C.Nos.317, 320, 318, 316 & 319 of 2021 respectively on the file of Chief Judicial Magistrate, Cuddalore, Cuddalore District and to transfer the case to the Chief Judicial Magistrate, Villupuram, Villupuram District.

For Petitioners in all Crl.O.P's : Mr.K.Anbuselvan

For Respondent in all Crl.O.P's : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

COMMON ORDER

These Criminal Original Petitions have been filed to transfer the cases pending on the file of the Chief Judicial Magistrate, Cuddalore, Cuddalore District in C.C.Nos.317, 320, 318, 316 & 319 of 2021 to Chief Judicial Magistrate, Villupuram.

2. The case of the prosecution is that 2nd petitioner was running a chit fund company in the name of M/s.Thillai S.S.Chits

Private Limited. The 1st petitioner is the Managing Director and the 3rd and 4th petitioners are the Directors of the above said company. It is alleged that the 1st and 2nd petitioner have cheated the defacto complainant one Angalan to the tune of Rs.92,070/- Hence, a case has been registered by the respondent police in Crime No.4 of 2018 for the offences under Sections 420, 406 of IPC, 76(1), 4(1), 79 of the Chit Funds Act, 1982.

3. It is the contention of the learned counsel for the petitioners that since there is life threat to the petitioners/accused from the defacto complainant, they are not in a position to conduct a case before the Trial Court. Hence, he seeks to transfer the above cases in C.C.Nos.317, 320, 318, 316 & 319 of 2021 pending on the file of the Chief Judicial Magistrate, Cuddalore, Cuddalore District to the file of the Chief Judicial Magistrate, Villupuram.

4.Learned Additional Public Prosecutor for the respondent would submit that already in one case, 23 witnesses have been examined and the matter has been adjourned for questioning of accused under Section 313 of Cr.P.C.

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

6. In such view of the matter, this Court is of the view that since the witnesses were already given evidence in one case who are also similar witnesses in other cases. Therefore, mere apprehension of life threat is not a ground to transfer the investigation. Hence, I do not find any merits in this case.

7. Accordingly, these Criminal Original Petitions stands dismissed. Consequently, connected miscellaneous petitions are closed. However, the learned Trial Court shall expedite the trial and dispose of all the main cases on merits as expeditiously as possible.

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

shk/nr

To

1. The Chief Judicial Magistrate,
Cuddalore, Cuddalore District.
2. The Chief Judicial Magistrate,
Villupuram, Villupuram District.
3. The Inspector of Police,
Economic Offences Wing,
Cuddalore & District.
4. The Public prosecutor
High Court, Madras.

+5ccs to Mr.K.Anbuselvan, Advocate, S.R.Nos.44396 to 44400

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PL(CO)
UMA(21/07/2022)