

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2022

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No. 18515 of 2020

Dr.K.Venkatachalam

... Petitioner

-Vs-

1. The State Represented by
the Inspector of Police,
Ammapetai Police Station,
Salem District.
2. Senthilkumar
3. Gowthaman
4. Veerappan
5. Saravanan
6. Santhoshkumar
7. Karikalan
8. Sikkanthar Basha

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the trial of S.C.No.75 of 2018 pending before the 1st Additional Sessions Court, Salem be transferred to the Principal District and Sessions Court, Chennai.

For Petitioner : Mr. M. Radhakrishnan

For Respondents : Mr. A. Gopinath
Govt. Advocate (Crl.side)-R1
R2 to R6 - notice served
Dr.S.Manoharan for R7 & R8

O R D E R

The petitioner has come forward with this Criminal Original Petition seeking a direction to transfer the trial of S.C.No.75 of 2018 pending before the 1st Additional Sessions Court, Salem to the Principal District and Sessions Court, Chennai.

2. The learned counsel appearing for the petitioner submitted that petitioner along with his friend by name Ravindran purchased a property measuring one acre 37 cents of

land at D.Perumapalayam,, Salem from one Varadharajan and Jagadeesh, thereafter the said land was sold by them on 27.5.2015 to one Mr. Kathiresan. After execution of sale deed, when the petitioner and his friend were proceeding in a car, they were kidnapped by the accused persons and were assaulted by them and were made to sign in several printed forms and also in blank papers. They had also taken away cash, being the entire sale consideration from the petitioner and forcibly put him under illegal detention. After two days only he was released from their illegal detention. Hence a police complaint was lodged with the respondent and the same was registered in Crime No.258 of 2015 for the offences under Section 147, 341, 323, 364A, 368, 387 and 506(ii) IPC as against the accused persons. The 1st respondent, after completion of investigation filed a final report and the case was taken as S.C.No.75 of 2018 on the file of I Additional Sessions Judge, Salem as against accused persons. After framing of charges, the petitioner received summons from the trial court. Whiles, another victim namely, his friend Ravindran and his driver was died. Therefore the petitioner has become the sole witness to the crime committed by the accused persons.

3. He would further submit that meanwhile on 14.3.2019, when the petitioner appeared before the trial court to depose, he was threatened by the accused persons with dire consequences. Immediately the petitioner made an application dated 14.3.2019 about the threat before the trial court, however, on 14.3.2019, the trial was adjourned for other reasons. On 14.3.2019, the trial Court also recorded about the threat made by the accused persons. It is the grievance of the petitioner that on account of life threat administered to the petitioner by the accused persons in Salem, he is not in a position to attend the court to depose as a witness in SC.No.75 of 2018 before the trial court, in which event, the accused persons would go scot-free, therefore he prayed this Court to transfer the trial in SC.No.75 of 2018 pending on the file of I Addl. Sessions Court, Salem to any other Sessions Court at Chennai.

4. The learned Govt. Advocate (crl.side) appearing for the first respondent submitted that there are two victims in this case, in which, one of the victim already died. He further submitted that even today, the trial in S.C.No.75 of 2018 has not yet commenced.

5. Heard the learned counsel appearing for the petitioner as well as learned Govt. Advocate (crl.side) appearing for the 1st respondent. Though upon completion of service on the respondents 2 to 8, their names printed in the

cause list, there was no representation for them either in person or through pleader.

6. Considering the facts and circumstances of the case and also taking note of the fact that all the accused persons are hailing from within the jurisdiction of trial Court and there may be every possibility of the petitioner who is coming from Tanjore, being threatened by the accused persons, this Court is inclined to transfer the case to other sessions Court.

7. Accordingly, S.C.No.75 of 2018 is hereby withdrawn from the file of the I Additional Sessions Court, Salem and the same is transferred to the file of learned Principal District and Sessions Judge, Namakkal, who, after receipt of the entire case bundle, is directed to complete the trial within a period of six months from the date of receipt of the bundle.

8. With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

msr

To

1. The Inspector of Police,
Ammapetai Police Station,
Salem District.
2. The I Additional Sessions Court, Salem
3. The Principal District and Sessions Judge, Namakkal,
4. The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No. 18515 of 2020

SKM(CO)
CT/13/07/2022