



Crl.O.P.No.28799 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2022

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.28799 of 2022

and

Crl.M.P.No.17640 of 2022

S.Marimuthu

... Petitioner

Vs.

State rep, by the Inspector of Police,
J-7 Velachery Police Station,
Chennai.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to withdrawal and transfer the case of C.C.No.2747 of 2012 from the Chennai Saidapet XVIII Metropolitan Magistrate Court to Egmore to any other of the Magistrate Court.

For Petitioner : Mr.R.Balagurusamy



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For Respondent :Mr.S.Santhosh
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed to transfer the case in C.C.No.2747 of 2012 on the file of the XVIII Metropolitan Magistrate Court, Saidapet Court to any other of the Magistrate Court.

2. The learned counsel for the petitioner submitted that the petitioner filed the petition in CrI.M.P.No.14766 of 2021 for recalling PWs. 8, 9, 10, 11, 13, 1 for the purpose of cross examination and the petition was allowed by the learned VIII Metropolitan Magistrate Court, Saidapet, subject to payment of cost of witnesses. Thereafter, the case is posted on the daily basis for trial. It is further submitted by the learned counsel for the petitioner that the petitioner is a Railway Employee and he finds difficult to attend the Court on daily basis. Hence, the present petition has been filed.

3. The learned Government Advocate (crl.side) opposed this petition



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stating that the trial in this case is over. Despite an opportunity given to the petitioner to recall PWs. 8,9,10,11,13,1 for the purpose of cross examination, the petitioner has not availed the opportunity to cross examine the witnesses and therefore, the evidence was closed and the case stands posted for argument.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (crl.side) for the respondent.

5. In the light of the rival submissions, this Court finds that the reason given by the learned counsel for the petitioner is not sufficient for transferring the case. If really the petitioner wants to cross examine the witnesses, the petitioner is directed to file a recall petition for the purpose of cross examining the witnesses PWs. 8,9,10,11,13,1. On such filing of petition, the learned Trial Judge is directed to afford one more opportunity to the petitioner for the purpose of cross examining the aforesaid witnesses on payment of appropriate costs and proceed further to dispose of the case on merits and in accordance with law.



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G.CHANDRASEKHARAN, J.

shk

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

15.12.2022

Internet: Yes

Index: Yes/No

Speaking/Non speaking order

shk

To

1. The learned XVIII Metropolitan Magistrate,
Saidapet.

2. The Inspector of Police,
J-7 Velachery Police Station,
Chennai.

3. The Public Prosecutor,
High Court of Madras.

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