



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.25293 OF 2021
AND CRL.M.P.NO.14227 OF 2021

G.Venkateshan

... Petitioner/
Accused

Versus

1. S.Bagyalakshmi
2. The State,
Rep. by The Inspector of Police,
Keevalur Police Station,
Nagapattinam Dt. - 611 109,
Crime No.258 of 2021.

...Respondents/
Defacto Complainant

PRAYER:

Criminal Original Petition is filed under Section 482 Cr.P.C. to withdraw the case in C.C.No.48 of 2021 on the file of the Additional Mahila Court at Magisterial Level, Nagapattinam District and transfer the same to any other Competent Court outside the Nagapattinam District.

For Petitioner : Mr.G.Anto Prince

For R2 : Mr.R.Vinothraja
Government Advocate (Crl. Side)

O R D E R

This Criminal Original Petition has been filed to withdraw the case in C.C.No.48 of 2021 on the file of the Additional Mahila Court at Magisterial Level, Nagapattinam District and transfer the same to any other Competent Court outside the Nagapattinam District.



2.The petitioner/accused, who is facing trial in C.C.No.48 of 2021 for offence under Sections 173, 294(b), 323, 342, 353, 427 IPC and 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 had filed the above said transfer application on the ground that the defacto complainant/first respondent is a Junior Bailiff attached to the District Court, Nagapattinam. Further the sister of the first respondent is also a Junior Bailiff and due to the influenced and interference, justice would be denied. He was remanded to judicial custody for more than 40 days and the bail applications moved by him were dismissed. Thereafter he had moved a bail application before this Court and bail was granted by this Court in order dated 02.07.2021 in CrI.O.P.(MD). NO.8653 of 2021. This clearly indicates the influence of the respondent in the Nagapattinam District Court. Hence he filed this present petition seeking transfer.

3.The learned Government Advocate submits that the petitioner is a retired Sub-Inspector of Police. The petitioner's apprehension seems to be unfounded. He is making such allegation to protract the trial and prolong the case. The case was listed on 26.11.2021. On that date, the accused was present and informed that he has filed a Criminal Original Petition before this Court and hence the case has been adjourned to 29.12.2021.

4.He further submitted that the petitioner's apprehension is that no learned counsel is willing to appear for the petitioner is not true. Counsel are engaged, after some time the counsel files a memo withdrawing from the case. This is a ploy adopted to protract the trial. These things are happening regularly, though charge sheet has been filed on 13.05.2021. Still the charges could not be framed.

5.Considering the submissions and on perusal of materials, it is seen that the petitioner had obstructed the execution of civil court order by the Bailiff, which is a serious offence. Further the petitioner is no stranger to the District and he is a native of Nagapattinam. In view of the same, the contention of the petitioner cannot be accepted. In the event of no advocate appearing for the petitioner in Nagapattinam, he is free to engage an Advocate from another District. If the petitioner is facing any such constraint, the trial Court is directed to engage an Advocate to the petitioner through Legal Services Authority. There are only eight witnesses in this case and the trial Court can complete the trial, within a period of six months, from the date of receipt of a copy of this order or within a period of six months from the date of the commencement of normal functioning of the Court.



6. With the above observation, this Criminal Original Petition stands disposed of. Consequently, the connected miscellaneous petition stands closed.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Additional Mahila Court at
Magisterial Level,
Nagapattinam District.
2. The Inspector of Police,
Keevalur Police Station,
Nagapattinam Dt. - 611 109.
3. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.25293 of 2021

SRA (CO)
PM/27/01/2022