



Crl.O.P No.25645 of 20__

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2022

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THE HONOURABLE Ms. JUSTICE R.N.MANJULA

Crl.O.P No.25645 of 2021

and

Crl.M.P No.3 of 2022

Elavarasan

... Petitioner

Vs.

- 1.The State rep. by its
The Superintendent of Police
Tiruvarur
Tiruvarur District
- 2.The Inspector of Police
Harithuvaramangalam Police Station
Tiruvarur District.
- 3.Janarthanam
- 4.Jawahar
- 5.Needamangalam Bar Association
Needamangalam Court Complex
Thiruvarur.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to withdraw the S.C No.28 of 2021 on the file of the Principal District and Sessions Court, Tiruvarur and transfer the same to Principal District & Sessions Court, Tanjore.



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For Petitioner : Mr.Om Sai Ram

For Respondents : Mr.A.Gopinath for R1 & R2
Government Advocate (Crl. Side)
No Appearance for R3 & R4

ORDER

This Criminal Original Petition has been filed, seeking to withdraw the S.C No.28 of 2021 on the file of the Principal District and Sessions Court, Tiruvarur and transfer the same to the Principal District & Sessions Court, Tanjore.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondents 1 & 2.

3. The petitioner is the first accused in S.C No.28 of 2021 on the file of the Principal District and Sessions Court, Tiruvarur.

4. The case against the petitioner is that he along with the other accused had conspired and murdered the deceased by name, Rajkumar, who is an Advocate; the deceased Rajkumar was practising at Needamangalam



Court, Tiruvarur District.

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5. The learned counsel for the petitioner submitted that since the deceased belonged to Tiruvarur, none of the advocates have come forward to defend the 1st accused and sometimes they even create commotion and hence, the petitioner seeks to proceed a fair trial at Tanjore.

6. Normally, in such cases the accused has to engage any counsel from the nearby bar and take his counsel to Sessions Court where the case is being tried. But, in this case from the list of witnesses, it is seen that some of the witnesses are the residents of Valangaiman, Nagapattinam and Muniyur which are almost at equal distance to Tiruvarur and Tanjore. Despite notice to the 2nd respondent/defacto complainant, who is the wife of the deceased, she did not present to make out her objection. Considering the more or less equal distance between Tiruvarur and Tanjavur, I feel it is appropriate to withdraw the proceedings which is pending before the Principal District & Sessions Court, Tiruvarur and transfer the same to the Principal District & Sessions Court, Tanjore.



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7. In the result, this Criminal Original Petition is allowed. The case in S.C No.28 of 2021 on the file of the Principal District and Sessions Court, Tiruvarur is ordered to be withdrawn and transferred to the file of the Principal District & Sessions Court, Tanjore. The learned Principal District and Sessions Court, Tiruvarur, is directed to transmit all the records pertaining to S.C.No.28 of 2021 to the file of the Principal District and Sessions Court, Tanjore within a period of two weeks from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed.

16.12.2022

Index : Yes/No
Speaking Order : Yes / No
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To

1. The Principal District and Sessions Court, Tiruvarur
2. The Principal District and Sessions Court, Tanjore
3. The Superintendent of Police
Tiruvarur
Tiruvarur District
4. The Inspector of Police
Harithuvaramangalam Police Station
Tiruvarur District.
5. The Public Prosecutor
High Court of Madras.



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R.N.MANJULA.,J
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