



Crl.O.P.No.30002 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 06.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.30002 of 2022

and

Crl.M.P.No.18383 of 2022

Rajkumar

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by, the Deputy Superintendent of Police,
Denkanikottai Sub Division,
Denkanikottai,
Krishnagiri District.
Crime No.206 of 2021

2. The State of Tamil Nadu
Represented by the Sub-Inspector of Police,
Anchetti Police Station,
Anchetti,
Krishnagiri District.
Crime No.206 of 2021

3. Pushparaj

4. Perumal @ Pichal Perumal

5. Kulandhaiyesu

6. Veeramani (Uliran) @ Uliveeran

... Respondents



CrI.O.P.No.30002 of 2022

PRAYER: This Criminal Original Petition filed under Section 407 of Cr.P.C. to withdraw the case in S.C.No.48 of 2022 pending on the file of the Principal Sessions Court, Krishnagiri and transfer the same to the Special Court for Trial of Cases under SC/ST (POA) Act, Namakkal or any other Special Court for trial and disposal.

For Petitioner : Mr.P.Mani

For R1 & 2 : Mr.S.Santhosh

Government Advocate (Criminal side)

ORDER

This Criminal Original Petition has been filed seeking to withdraw the case in S.C.No.48 of 2022 pending on the file of the Principal Sessions Court, Krishnagiri and transfer the same to the Special Court for Trial of Cases under SC/ST (POA) Act, Namakkal or any other Special Court for trial and disposal.

2. The main grievance of the petitioner as seen from the affidavit is that most of the prosecution witnesses of this case belong to Scheduled Caste apprehend that the Respondents 3 to 6 would not allow them to give evidence as they belong to upper caste having muscle and money power. It appears that this petition is filed only on this apprehension. There is no material is filed in support



Crl.O.P.No.30002 of 2022

of the apprehension. Especially, it is seen that the Respondents 3 to 6, in person or through some other persons threatened the prosecution witnesses not to give witnesses against them or made an attempt to tamper the witnesses or evidences.

3. In view of the above, this Court is of the view that in the absence of any positive material in support of the apprehension raised by the petitioner, the request for transfer cannot be considered. However, the respondent police is directed to ensure proper security and protection is given to the witnesses while they come to give witness in the Court.

4. With the above direction, this Criminal Original Petition is disposed of. Consequently, Connected Miscellaneous Petition is closed.

06.12.2022

Sma

Index:Yes/No

Speaking/Non speaking order



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Crl.O.P.No.30002 of 2022

G.CHANDRASEKHARAN.J.,

Sma

To

1. The Deputy Superintendent of Police,
Denkanikottai Sub Division,
Denkanikottai,
Krishnagiri District.
2. The Sub-Inspector of Police,
Anchetti Police Station,
Anchetti,
Krishnagiri District.
3. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.30002 of 2022
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