



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2022

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.(MD) No.6151 of 2022

and

Crl.M.P(MD) No.4270 of 2022

WEB COPY

Sivakumar

...Petitioner/Accused No.2
Vs.

1. The State rep by
The Inspector of Police,
All Women Police Station,
Ramanathapuram District.
(Crime No.21/2021)

... 1st Respondent
... 2nd Respondent/
Defacto Complainant

2.xxxx

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to transfer the case in Spl.Sc.No. 1 of 2022 on the file of Fast Track Mahila Court, Ramanathapuram to any other Fast Track Mahila Court in Madurai District or to Additional District and Sessions Court (POCSO) Act, Madurai.

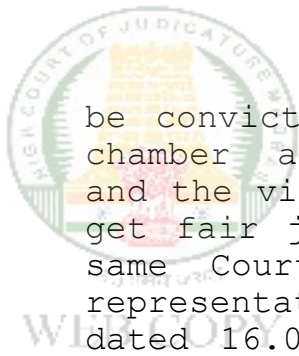
For Petitioner : Mr.D.Balamurugapandi
For Respondents : Mr.R.M.Anbunithi
No.1 Additional Public Prosecutor

ORDER

This petition has been filed for transfer of case in Spl.S.C.No. 1 of 2022 from the file of the Fast Track Mahila Court, Ramanathapuram to any other Fast Track Mahila Court in Madurai District or to Additional District and Sessions Court(POCSO Act) Madurai.

2. The petitioner is the second accused charged for the offences under Sections 3,4,5(1),6 of Protection of Child from Sexual Offences Act, 2012 and 506(i) of IPC on the complaint lodged by the second respondent herein. The first accused is none other than the father of the victim. The first accused got married the mother of the victim and gave birth to four children, in which the third daughter is the victim who is studying XI standard at the time of occurrence. The first accused molested his own daughter in which the victim girl faced mental agony. Therefore the victim girl was taken to the second accused for treatment. The second accused added some intoxicic substance in the milk and administered the same to the victim girl and thereby committed rape on her.

3. The only ground raised by the learned counsel for the petitioner for transfer of investigation is that on the date of framing of charges, the trial Court expressed that the accused would



be convicted. That apart, the victim girl was called inside the chamber and assured that all the accused persons would be punished and the victim will get employment. Therefore the accused will not get fair justice, if the trial is allowed to be continued in the same Court. In this regard, the petitioner has also sent a representation to the Principal District Judge and other officials dated 16.03.2022, however there is no proof to show that it was submitted to other higher officials or the learned Principal District and Sessions Judge, Ramanathapuram District.

4. The petitioner has committed very serious and heinous offence as against the minor victim girl, when the victim girl was brought for treatment. That apart the prosecution has examined all the witnesses except the investigating officer. At this juncture, the petitioner has filed this petition only to drag the proceedings and foisting unnecessary allegations against the trial Court and to confuse the mind of the Court, therefore this Court finds no merits in the petition.

5. In the result, this Criminal Original Petition stands dismissed. However the trial Court is directed to complete the trial proceedings within a period of eight weeks from the date of receipt of a copy of this order. Consequently connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1.The Judge, Fast Track Mahila Court, Ramanathapuram.

2. The Inspector of Police,
All Women Police Station,
Ramanathapuram District.

3.The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.D.BALAMURUGAPANDI, Advocate (SR-16395[F] dated
04/04/2022)

Crl.O.P.(MD) No.6151 of 2022 and
Crl.M.P(MD) No.4270 of 2022
04.04.2022

RD(13.04.2022) 2P 5C