



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.04.2022

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.(MD)No.6495 of 2022

and

Crl.M.P(MD) No.4501 of 2022

K.Mohanraj

...Petitioner

Vs.

The Inspector of Police,
Bazaar Police Station,
Ramanathapuram,
Ramanathapuram District.
(Crime No.57/2018)

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C.to pass orders withdrawing the case in SC.No.10 of 2019 pending on the file of the Sessions Court/Mahalir Neethimandram(Fast Track Mahila Court), Ramanathapuram and transferring the same to any other competent Court in near District in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.S.Malaikani

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor
(Criminal side)
for R1

ORDER

This Criminal Original Petition has been filed to pass orders to withdraw the case in S.C.No.10 of 2019, pending on the file of the Sessions Court/Mahalir Neethimandram(Fast Track Mahila Court), Ramanathapuram to any other competent Court in the nearby District.

2.The learned counsel appearing for the petitioner submitted that the petitioner is an accused in S.C.No.10 of 2019, having been taken cognizance for the offence punishable under Section 302 IPC. At the time of arrest, the petitioner was beaten up by the police and the same was clearly deposed before the learned Judicial Magistrate, at the time of remand. When the PW20, who is the Investigation Officer was examined, the petitioner intended to mark the remand report, which was not allowed by the trial Court. Further the learned Judge acted in a biased manner and as such, he seeks for transfer of entire trial in S.C.No.10 of 2019.



3.Further, the learned counsel appearing for the petitioner submitted that the petitioner has already lodged a complaint to the Registrar of this Court and the Presiding Officer was called for to submit his report.

4.However, non-marking of remand report is not the ground for transferring the entire trial, since already trial has been commenced and PW1 to PW26 witnesses have already been examined and when the case is posted for further examination of witnesses, on the side of prosecution, the petitioner filed this petition. Therefore, this Court finds no merit in this petition.

5.Accordingly, this Criminal Original Petition is dismissed. However, the trial Court is directed to permit the petitioner to mark the remand report through the Investigation Officer, viz., PW20. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PNM

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

- 1.The Sessions Judge,
Mahalir Neethimandram
(Fast Track Mahila Court), Ramanathapuram.
- 2.The Inspector of Police,
Bazaar Police Station,
Ramanathapuram,
Ramanathapuram District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S. MALAIKANI, Advocate (SR-17107[F] dated 07/04/2022)

Crl.O.P. (MD)No.6495 of 2022

and

Crl.M.P (MD) No.4501 of 2022

07.04.2022