



Crl.O.P.(MD) No.5523 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.08.2022

CORAM:

THE HONOURABLE MR. JUSTICE **V.SIVAGNANAM**

Crl.O.P.(MD) No.5523 of 2021

and

Crl.M.P(MD) No.9125 of 2022

Ayyalusamy,

: Petitioner

Vs

1. The Superintendent of Police,
Virudhunagar District,
Virudhunagar

2. The Deputy Superintendent Of Police,
Sattur Taluk,
Virudhunagar District.

3. The Inspector of Police (Crime),
Sattur Town Police Station,
Virudhunagar District.

: Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to transfer the trial in S.C.No.36 of 2021 before the Principal District Court, Srivilliputhur, Virudhunagar to some other appropriate Court



Crl.O.P.(MD) No.5523 of 2021

which has jurisdiction in Madurai.

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For Petitioner : M/s.Banumathy.A.,
For Respondents : Mr.R.Suresh Kumar,
Government Advocate (Crl.Side)

ORDER

This criminal original petition has been filed seeking a direction to transfer the trial in S.C.No.36 of 2021, pending on the file of the Principal District Court, Srivilliputhur, Virudhunagar to some other appropriate Court, which has jurisdiction in Madurai.

2.The learned Counsel appearing for the petitioner submitted that the petitioner is the father of the accused person/Mari Muthu in Crime No.498 of 2022, for the offences under Sections 294(b), 302 and 506(2) IPC. After committal, the case was taken on file by the Principal District Court, Srivilliputhur, Virudhunagar in S.C.36 of 2021. Now, it is posted for trial. Since the petitioner belongs to Vannar Community and the deceased belongs to higher caste, who are in majority in that locality, after the alleged incident, the petitioner's house was destroyed by them. Hence, the petitioner lodged a complaint before the respondent police, for the same, an FIR had been



Crl.O.P.(MD) No.5523 of 2021

registered in Crime No.569 of 2020, for the offences under Sections 427 and 379 IPC. Out of fear, the petitioner vacated the native place and now, residing at Madurai and there is a life threat to the petitioner, if he and his family appear before the trial Court. Hence this petition has been filed.

3.The learned Government Advocate (Crl.Side) submitted that after the alleged incident, the accused/Marimuthu absconded from the village. Thereafter, when he came back to the village that too, after two months, the village people assaulted him and damaged his house on 18.11.2020. Therefore, an FIR in Crime No.569 of 2020 had been registered, for the offences under Sections 427 and 379 IPC. Now, the situation is normal and there is no life threat to the petitioner and his family members. Therefore, transferring the case to some other district is unwarranted and pleaded to dismiss this petition.

4.I have considered the submissions made by both the parties.

5.On a perusal of records, it is seen that an FIR had been registered in Crime No.498 of 2020, for the offences under Sections 294(b), 302 and



Crl.O.P.(MD) No.5523 of 2021

506(2) IPC, for having committed murder of one Sivakumar. After investigation, charge sheet had been filed and the same was taken on file as S.C.No.36 of 2021, pending before the Principal District Court, Srivilliputhur, Virudhunagar. Now, it is posted on 16.08.2022, for framing of charges. The apprehension expressed by the learned Counsel appearing for the petitioner is not supported by sufficient material to transfer this case to some other district.

6.It is worth to quote the following observation of the **Hon'ble Mr.Justice V.KRISHNAIYER** in the leading case of ***Maneka Sanjay Gandhi Vs. Rani Jethmalani*** runs as follows:

'Assurance of a fair trial is the first imperative of the dispensation of justice and the central criterion for the Court to consider when a motion for transfer is made is not the hypersensitivity or relative convenience of a party or easy availability of legal services or the like mini-grievances. Something more substantial, more compelling, more imperilling, from the point of view of public justice and its attendant environment is necessitous, if the Court is to exercise its power of transfer.'

7.I find no other sound reason for transferring this case. Therefore, this criminal original petition is dismissed. However, the respondent police is directed to provide protection to the accused person/Marimuthu, whenever he



Crl.O.P.(MD) No.5523 of 2021

appears before the trial Court.

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8. Consequently, connected miscellaneous petition is closed.

05.08.2022

Internet: Yes

Index: Yes/No

Speaking/Non speaking order
lr

To

1. The Superintendent of Police,
Virudhunagar District,
Virudhunagar

2. The Deputy Superintendent Of Police,
Sattur Taluk,
Virudhunagar District.

3. The Inspector of Police (Crime),
Sattur Town Police Station,
Virudhunagar District.

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



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Crl.O.P.(MD) No.5523 of 2021

V.SIVAGNANAM, J.

lr

Crl.O.P.(MD) No.5523 of 2021

05.08.2022