



Crl.O.P.(MD) No.13748 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.08.2022

CORAM:

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

Crl.O.P.(MD) No.13748 of 2022

and

Crl.M.P(MD) No. 8779 of 2022

Selvakumar,

: Petitioner

Vs

The State of Tamil Nadu Represented by  
The Inspector of Police,  
All Women Police Station,  
Keeranur,  
Pudukkottai District

: Respondent

**PRAYER:** Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to withdraw and transfer the case in Spl.S.C.No. 43 of 2021 on the file of the learned Additional District and Sessions Judge (Mahila Court) Pudukkottai to any other court and nearer any other district.

For Petitioner : Mr.Balakrishnan.R,  
For Respondent : Mr.R.Suresh Kumar,  
Government Advocate (Crl.Side)



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## **ORDER**

WEB COPY This criminal original petition has been filed seeking a direction to withdraw and transfer the case in Spl.S.C.No. 43 of 2021, on the file of the learned Additional District and Sessions Judge (Mahila Court) Pudukkottai to any other court.

2.The learned Counsel appearing for the petitioner submitted that on 20.06.2022, the petitioner was present before the trial Court, but his Counsel sought time to cross-examine the witness LW-1 and LW-2. Hence, the bail already granted to him, was cancelled and he was remanded to custody till 28.06.2022 and now, he is in custody and he apprehends that he may not get fair trial. Hence this petition has been filed.

3.The learned Government Advocate (Crl.Side) submitted that on 28.06.2022, Accused No. 1 was produced before the trial Court. Since the first accused was not co-operated with the trial, a fine of Rs.10,000/- was imposed on him and now, the case is adjourned to 07.09.2022, for examination of witnesses. Further, he stated that now, the petitioner was granted bail. The apprehension expressed by the petitioner is not reasonable.



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Hence, he pleaded to dismiss this petition.

WEB COPY

4.I have considered the matter in the light of the submissions made by both the Counsels appearing for the parties.

5.On a perusal of records, it is seen that the petitioner is the first accused in Spl.S.C.No.43 of 2021, on the file of the learned Additional District and Sessions Judge, Mahila Court, Pudhukottai. On 20.06.2022, the petitioner was present before the trial Court, but his Counsel sought time to cross-examine the witness LW-1 and LW-2. Hence, the bail already granted to him, was cancelled and he was remanded to custody till 28.06.2022. Then, on 28.06.2022, Accused Nos. 1 and 2 appeared before the trial Court. Since the first accused was not co-operated with the cross-examination of the witnesses, a fine of Rs.10,000/- was imposed on him and now, the case is adjourned to 07.09.2022, for examination of witnesses. Further, it is stated by the learned Counsel appearing for the petitioner that so far chief examination was not conducted and he wrongly mentioned in the affidavit that it was conducted. The case is periodically adjourned for want of co-operation from the accused for examination of witnesses.



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6. With regard to the allegation against the Judicial Officer, remarks have been called for from the Judicial Officer. In that remarks, he denied the allegations raised in the affidavit and further submitted that chief examination was not conducted and he had not insisted the accused person to cross-examine the witnesses immediately.

7. Under these circumstance, I find no merit in this petition. Hence, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed.

22.08.2022

Internet: Yes  
Index: Yes/No  
Speaking/Non speaking order  
lr

To  
1. The Inspector of Police,  
All Women Police Station,  
Keeranur,  
Pudukkottai District

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

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**V.SIVAGNANAM, J.**

lr

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