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CrI.O.P.No.1341 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2023

CORAM

THE HON'BLE Mr. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.1341 of 2023

and

CrI.M.P.No.748 of 2023

M.Kumar

...Petitioner

Vs.

1.The State Rep. By
Inspector of Police,
Mecheri Police Station,
Salem District.

2.Paramasivam

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, praying to set aside the order passed by the Principal Sessions Judge, Salem dated 17.11.2022 in Tr.C.M.P.No.3574 of 2022 in S.C.No.46 of 2016 on the file of II Additional District Judge, Salem.

For Petitioner : Mr.M.Mariappan
For R1 : Mr.S.Santhosh
Government Advocate (CrI.Side)

ORDER

This Criminal Original Petition has been filed to set aside the order passed by the passed by the learned Principal Sessions Judge, Salem dated



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17.11.2022 in Tr.C.M.P.No.3574 of 2022 in S.C.No.46 of 2016 on the file of

learned II Additional District Judge, Salem.

2. Learned counsel for the petitioner submitted that the case in S.C.No.46 of 2016 is being tried, on the file of learned II Additional District Judge, Salem. It has to be transferred to learned Additional District Judge, Fast Track Court, Mettur, for the reason that the distance between Mettur and Salem is 60 kms. Originally the case was transferred from learned Additional District Judge, Fast Track Court, Mettur to learned II Additional District Judge, Fast Track Court, Salem, for the reason that, then learned Additional District Judge, Fast Track Court, Mettur had recorded 164 statement of PW1 to PW4. Now that learned Judge is no more occupying the post the Additional District Judge, Mettur. In such circumstances, learned counsel for the petitioner submitted that petition for transferring the case from II Additional District Judge, Salem to learned Additional District Judge, Mettur was filed. That petition was dismissed, necessitating filing of this petition.

3. In response, learned Government Advocate (Criminal side) submitted that, trial in this case is over and it is now pending for arguments. Citing the said reason, learned trial Judge rightly dismissed the petition.



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4. Considered the rival submissions and perused the records.

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5. It is an admitted position that, the trial in S.C.No.46 of 2016 is over in learned II Additional District Judge, Salem. There is no need for the witnesses to appear any more. There is only one accused in the case and the case is now pending for arguments. All that the petitioner has to do is to appear before the lower Court for submitting arguments and for hearing the delivery of Judgment of the case. This Court finds, no reason to interfere with the Order of learned Principal Sessions Judge. Therefore, the order passed by the learned Principal Sessions Judge, Salem dated 17.11.2022 in Tr.C.M.P.No.3574 of 2022 in S.C.No.46 of 2016 on the file of II Additional District Judge, Salem is confirmed.

6. Accordingly, this Criminal Original Petition is dismissed, giving direction to the learned Principal Sessions Judge to dispose the case as early as possible preferably within a period of one month from the date of receipt of a copy of this order. Consequently, the connected Miscellaneous Petition is closed.

24.01.2023

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Index: Yes/No

Speaking Order: Yes/No

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To

- 1.The Principal Sessions Judge,
Salem.
- 2.The II Additional District Judge,
Salem.
- 3.The Inspector of Police,
Mecheri Police Station,
Salem District.
- 4.The Public Prosecutor,
Madras High Court.



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G.CHANDRASEKHARAN.J.,

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