



WEB COPY

CrI.OP No.4312 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20-11-2023

CORAM

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

CrI. OP No.4312 of 2023

And

CrI.MP No.2725 of 2023

V.Santha Kumar

... Petitioner/Accused

Vs.

State Represented by the Inspector of Police,
All Women Police Station,
Erode,
Erode District.
(Crime No.51 of 2018)

... Respondent/Complainant

Prayer: Criminal Original Petition has been filed under Section 407 of the Code of Criminal Procedure, to withdraw the case in Special SC No.50 of 2020 pending on the file of the District Mahila Court, Erode and transfer the same to the Principal District and Sessions Court, Tiruppur District or any other Competent Sessions Court.



For Petitioner : Mr.J.Ranjith Kumar
For Respondent : Mr.S.Udaya Kumar,
Government Advocate
(Criminal Side).

ORDER

The petitioner herein is the accused in Special SC No.50 of 2020 pending on the file of the District Mahila Court, Erode. The petitioner seeks transfer of trial from Mahila Court, Erode to Mahila Court at Tiruppur District or any other Competent Court.

2. The learned Government Advocate (Criminal Side), appearing on behalf of the respondent submits that case was registered in the year 2018 in FIR No.51 of 2018 dated 11.12.2018, wherein the victim, being the VII Standard student, alleged to have been sexually assaulted by the petitioner herein. The matter, after examination of witnesses, was posted for arguments. Referring recall of PW-1 by the Court for identification of the accused, the petitioner seeks transfer of trial apprehending that the trial Court may misinterpret the statement of witnesses. Further the learned counsel also submitted that recall of PW-1 after the stage of 313 questioning was unwarranted.



3. The Judge cannot be a mute spectator in the case of this nature. The recall of PW-1, after receiving the written arguments, obviously indicates that the witness was recalled by the Judge to arrive at a just decision. The accused need not apprehend that while misinterpreting the statement of witness and even in case of error occurred, there has always been Court of Appeal to agitate the case. Therefore, this Court does not find any reason to transfer the trial to some other Court.

4. Accordingly, the present Criminal Original Petition stands dismissed. Consequently, the connected Criminal Miscellaneous petition is also dismissed.

20-11-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
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DR.G.JAYACHANDRAN, J.

Svn

To

- 1.The District Mahila Court,
Erode.
- 2.The Principal District and Sessions Court,
Tiruppur District.
- 3.The Inspector of Police,
All Women Police Station,
Erode,
Erode District.
- 4.The Public Prosecutor,
High Court of Madras,
Chennai.

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