



WEB COPY

Crl.O.P.No.23980 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.11.2023

CORAM :

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.23980 of 2023

Muniyammal

... Petitioner

-VS-

The State Rep.by its
The Inspector of Police,
Kallakurichi Police Station,
Kallakurichi District.
(Crime No.161/2018)

...Respondent

PRAYER : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to withdraw and transfer the case in S.C.No.288/2021 on the file of the III Additional District Court, Kallakurichi to any other Court.

For Petitioner : No appearance

For Respondent : Mr.S.Udaya Kumar,
Government Advocate (Crl.Side)

ORDER

The petitioner herein is the defacto complainant in Cr. No.161 of 2018.

The occurrence found in the complaint is that retaliation for the murder of one

Jayaprakash, Practicing Advocate at Kallakurichi Bar Association and also

<https://www.mhc.tn.gov.in/judis>



former President of the Bar Association. On the complaint of the petitioner herein, after completion of investigation, final report been submitted against 8 accused for offences under Sections 443, 506(ii), 147, 148 of IPC and 3 of TNPPDL Act.

2. On committal, the learned Principal Sessions Judge, Villupuram had made over the case to the learned III Additional Sessions Judge, Kallakurichi. The said case is now posted for examination of L.W.1 who is none other than the petitioner herein.

3. The grievance of the petitioner is that, the murder case of Jayaprakash, in which her son Velu and Krishnan are accused, facing trial in S.C. No.242 of 2018 on the file of the learned Additional Sessions Judge (FTC), Villupuram, since the deceased Jayaprakash very influential in the locality, there is a threat to her, if she attend the Court to give evidence. Therefore, seeks transfer of trial of S.C. No.288 of 2021 on the file of the III Additional District Court, Kallakurichi to some other Court.

4. The learned Government Advocate (Crl.Side) submitted that the case is posted for trial and summons to the petitioner herein been served for appearance on 06.12.2023 to give evidence. Sufficient arrangements made to give complete protection to the witness as per law and there is no need to apprehend that witness will be threatened.



5. Taking into consideration, the fact that the murder of Jayaprakash occurred on 01.01.2018, on the same day, it is alleged that the house of the petitioner was ransacked by the supporters of deceased Jayaprakash. For all these years, the petitioner is living in the very same place and no specific incident of threat had been brought to the notice of the police. In the said circumstances, the request for transfer of trial from Sessions Court at Kallakurichi to some other Court not worth considering. However, the respondent Police is directed to give adequate protection to the witness on the dates when she attend the Court to give evidence.

6. With this observations, this Criminal Original Petition is disposed of.

16.11.2023

Index : Yes/No

Neutral Citation : Yes/No

rkp

To

1. The III Additional District Judge,
Kallakurichi.
2. The Inspector of Police,
Kallakurichi Police Station,
Kallakurichi District.
3. The Public Prosecutor,
High Court of Madras, Chennai.



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Dr.G.JAYACHANDRAN, J.

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