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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.2489 of 2024

T.M.Suresh Kumar

...Petitioner

Vs.

V.Varadhan

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to withdraw the Crl.A.No.112 of 2023 from the file of the Principal Sessions Judge of Kancheepuram District at Chengalpattu to any other competent Court.

For Petitioner : Mr.R.Thirumoorthy

ORDER

This criminal original petition has been filed seeking for transfer of the case in Crl.A.No.112 of 2023 pending on the file of the Principal Sessions Judge of Kancheepuram District at Chengalpattu to any other competent Court.

2.When the matter came up for hearing on 06.02.2024, this Court passed the following order:



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The learned Principal Sessions Judge, Kanchipuram at Chengalpat, is directed to send a report to this Court, pursuant to the complaint given by the petitioner on 13.01.2023, to the effect that he was threatened by some of the Advocates when he came to Court on 09.01.2024. The report shall be placed before this Court during the next date of hearing.

2. The learned counsel for the petitioner submitted that due to the threat, the petitioner was not able to deposit the amount. The amount shall be deposited as directed in Crl OP No.144 of 2024, within a period of one week from today.

3. Post this case under the same caption on 20.02.2024.

3.Pursuant to the above order, the learned counsel for the petitioner submitted that the amount has been deposited as directed by this Court within the time frame.

4.A report has been received from the Principal District Judge, Chengalpattu. In the said report, it is stated that on the particular day i.e., on 09.01.2024, the Principal District Judge, Chengalpattu was not sitting and the matter was dealt with by the in-charge Judge. The in-charge Judge has also not



recorded any proceedings on that day to the effect that the petitioner was threatened by some of the Advocates in the Court.

5.This Court does not want to go into this controversy. Ultimately, the petitioner is seeking for transfer on the ground that the petitioner was threatened when he appeared before the Court on 09.01.2024. The case is at the sage of the appeal. Therefore, the case can be argued based on the materials/records that are already available before the Court. Hence, the petitioner can be represented through a counsel before the Court below. The petitioner shall appear before the Court below as and when required and at the time of final judgment. On all the other hearings, the petitioner can be represented through a counsel. This direction will sufficiently take care of the apprehension raised by the petitioner.

6.This criminal original petition is disposed of in the above terms.

20.02.2024

Index: Yes/No
Speaking order/Non-speaking Order
Neutral Citation: Yes/No
ssr



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N.ANAND VENKATESH, J

SSR

To

- 1.The Principal Sessions Judge of Kancheepuram District at Chengalpattu.
- 2.The Public Prosecutor,
High Court, Madras.

CRL.O.P No.2489 of 2024

20.02.2024