



Crl.O.P.No.19233 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

Crl.O.P.No.19233 of 2024

and

Crl.M.P.No.11320 of 2024

1.Jawahar Paulraj
2.Arunagiri Selvam

... Petitioners

Vs.

State Rep. by
The Inspector of Police,
CCB Police,
Coimbatore City,
Coimbatore,
Crime No.28 of 2011

... Respondent

Prayer: Criminal Original Petition is filed under Section 407 of Criminal Procedure Code r/w. 447 of BNSS, to permit the petitioner to withdraw the proceedings in C.C.No.537 of 2012 on the file of the Hon'ble Judicial Magistrate Court VII, Coimbatore and transfer the same to some other Hon'ble Judicial Magistrate in Erode with a direction to try the same.

For Petitioner : Mr.M.K.Bhoopathy Rajan

For Respondent : Mr.K.M.D.Muhilan
Government Advocate (Crl.Side)

ORDER

The petitioners herein are the Accused 1 and 2 in C.C.No.537 of 2012 on the file of the Judicial Magistrate No.VII, Coimbatore, charge



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been framed against them for offence under Sections 408 & 420 IPC.

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2. They have filed application to recall PW.1 to PW.11 and it was dismissed by the trial Court on 05.10.2023. However, on a petition filed under Section 482 of Cr.P.C., the Hon'ble High Court set aside the order of the Judicial Magistrate and allowed the petitioners herein to cross examine PW.1 to PW.9 on payment of costs of Rs.5,000/- and cross examine PW.10 to PW.12 on payment of Rs.2,500/-. The petitioners were directed to deposit the costs before the trial Court on or before 30.01.2024 and thereafter, the Court shall recall these witnesses on the day fixed for cross examination.

3. The contention of the petitioner is that except for the Investigating Officer. For all other witnesses has deposited the costs. However, due to boycott of the Court by the counsels, he could not cross examine the Investigating Officer through whom Ex.P75 to Ex.P125 were marked as an additional documents without prior permission of the Court. Citing this as the reason, this petition is filed for transfer of trial to any other Judicial Magistrate Court in Erode.



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4. This Court on perusal of the record finds that the petitioners were permitted to recall PW.1 to PW.12 vide order dated 10.01.2024 and also directed the trial Court to complete the trial within a period of three months from the date of receipt of a copy of the order. Thereafter, the petitioners had cross examined those witnesses. The trial Court has proceeded with examining further witnesses. Mr.Chandrasekar, the Investigating Officer been examined as PW.16 on 26.06.2024 and 22.06.2024. Since the accused had not cross examined the witnesses, the trial Court has recorded that the accused in spite of affording opportunity has not chosen to cross examine the witness, thereafter, adjourned the matter to 22.07.2024, 29.07.2024 and 05.08.2024 for further witnesses.

5. From the record, this Court finds that there is no reason to transfer the trial to some other Court. Therefore, this Criminal Original Petition to transfer stands dismissed. Consequently, the connected Criminal Miscellaneous Petition is closed.

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Index : Yes/No

Neutral Citation : Yes/No

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Dr.G.JAYACHANDRAN,J.

rpl

To

The Inspector of Police,
CCB Police,
Coimbatore City,
Coimbatore,
Crime No.28 of 2011

2.The Public Prosecutor,
High Court of Madras,
Chennai.

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