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CrI.O.P.No.21585 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2024

CORAM

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

CrI.O.P.No.21585 of 2024

and

CrI.M.P.No.12350 of 2024

1.Velu

2.Krishnan

... Petitioners

Vs.

1.The State by

The Inspector of Police,
Kallakurichi Police Station,
Villupuram District.

2.Vennila

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C./ 528 BNSS, pleaded to withdraw the S.C.No.191 of 2024 pending on the file of the District and Sessions Court, Kallakurichi and to transfer the same on the of the Additional District and Session Court (Fast Track Court), Villupuram.

For Petitioners : Mr.T.Maha Vishnu
for Mr.R.Thamari Selvan

For R1 : Mr.K.M.D.Muhilan
Government Advocate (CrI.Side)

ORDER



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This Criminal Original Petition is filed seeking transfer of trial from Kallakurichi to Villupuram, since the matter been substantially heard by the Villupuram Sessions Court and only three more witnesses to be examined.

2. Further, the learned counsel appearing for the petitioners submits that the deceased in this case being a practicing advocate of Kallakurichi Bar and there is life threat to the petitioners during their appearance before the Principal Sessions Court, Kallakurichi.

3. The learned Government Advocate (CrI.Side) appearing for the respondent police submits that only three witnesses to be examined and the matter is posted on 14.10.2024, on that day, the witnesses will be marshalled and also undertakes to give adequate protection to the accused persons during the hearing dates.

4. The learned counsel appearing for the petitioners submits that after transfer of the case to Kallakurichi, due to bifurcation of District, for the past 8 months, there is no progress in the trial and further, submits that the petitioners are deprived of proper legal assistants in



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Kallakurichi, since the deceased was a member of the Kallakurichi Bar.

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5. On perusing the record, this Court finds that the case regarding occurrence happened on 01.01.2018 is still pending and after substantially examined the witnesses, case has been transferred from Villupuram Sessions Court to Kallakurichi Sessions Court in view of bifurcation. For the past 8 months, there is no progress in the trial and the reason attributed is deprivation of legal assistants from Kallakurichi Bar and non production of witnesses.

6. Hence this Court is of the view that it is appropriate to transfer back to Villupuram Sessions division from Kallakurichi Sessions division. So that, the petitioner will have adequate legal assistants and also appear without any fear or threat. The respondent police is directed to marshal their witnesses on the next hearing date and assist the Court to complete the trial within reasonable time. Accordingly, this Criminal

Dr.G.JAYACHANDRAN,J.

rpl

Original Petition is disposed of. Consequently, the connected Criminal Miscellaneous Petition is closed.



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Index : Yes/No

Neutral Citation : Yes/No

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To

1.The District and Sessions Court, Kallakurichi

2.The Inspector of Police,
Kallakurichi Police Station,
Villupuram District.

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

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