



CrI.O.P.No.22656 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2024

CORAM

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

CrI.O.P.No.22656 of 2024

and

CrI.M.P.Nos.12889 & 12890 of 2024

Kabilan

... Petitioner

Vs.

State Rep.by
The Inspector of Police,
Tiruvarur Taluk Police Station,
Tiruvarur District.
Crime No.1013 of 2020

... Respondent

Prayer: Criminal Original Petition is filed under Section 447 BNSS, pleaded to withdraw the case in S.C.No.29 of 2024 on the file of the learned Subordinate Judge, Tiruvarur and transfer the same to the learned I Additional District Judge (PCR), Thanjavur to try along with Spl.S.C.No.21 of 2021 on its file.

For Petitioner : Mr.M.Vijaya Ragavan

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

ORDER

This Criminal Original Petition is filed for transfer of trial in S.C.No.29 of 2024 from the Sub Court, Tiruvarur to PCR Court, Thanjavur to be tried along with Special S.C.No.21 of 2021.



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2. The learned counsel appearing for the petitioner submits that

both the cases are in respect of same transaction. Being a case and case in counter, the police has felt that both the parties are aggressor to each other. Separate final report filed, since the case on the complaint given by the petitioner being for offence under Section SC/ST Act, besides IPC sections, case been tried by the Special Court for SC/ST Act, at Thanjavur, whereas, the case against the petitioner is being tried by the Sub Judge, Tiruvarur in S.C.No.29 of 2024.

3. According to the petitioner, being a case and case in counter, as per full Court Judgment of this Court in ***Balaji Vs. State of Tamil Nadu***, both the matter has to be tried together, since in this case the Sub Court at Thanjavur is dealing the Spl.S.C.No.21 of 2021 as against the other parties, it is appropriate to transfer S.C.No.29 of 2024 on the file of the Sub Court, Tiruvarur to the Additional District Judge, PCR Court, Thanjavur.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submits that in respect of occurrence on



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19.05.2020, involving clash between two groups, the respondent police has registered FIR in Crime No.1013 of 2020 on 19.05.2020 and the counter complaint been registered in Crime No.1021 of 2020 on 20.05.2020 and final report filed in both the cases based on the material collected during the course of investigation.

5. Since it appears to be the occurrence on the same transaction, both the parties have mutually attacked each other and got injured, it is appropriate to try both cases by the same Judge, being the case and case in counter. Hence, transfer request is acceded. This Criminal Original Petition to transfer is allowed and S.C.No.29 of 2024, on the file of the Sub Court, Tiruvarur shall stand withdrawn and same is transferred to the Additional District Court (PCR), Thanjavur to be tried along with Spl.S.C.No.21 of 2021. Consequently, the connected Criminal Miscellaneous Petitions are closed.

13.09.2024

Index : Yes/No

Neutral Citation : Yes/No

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Dr.G.JAYACHANDRAN,J.



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WEB COPY To

- 1.The I Additional District Judge (PCR), Thanjavur.
- 2.The Subordinate Judge, Tiruvarur.
- 3.The Inspector of Police,
Tiruvarur Taluk Police Station,
Tiruvarur District.
- 4.The Public Prosecutor,
High Court of Madras,
Chennai.

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