



Crl.O.P.(MD) No.2967 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.03.2024

CORAM

THE HON'BLE **MR.JUSTICE SATHI KUMAR SUKUMARA KURUP**

Crl.O.P.(MD) No.2967 of 2024

and

Crl.M.P.(MD) No.2340 of 2024

Selvendiran

... Petitioner

Vs.

1.State Represented through
The Inspector of Police,
Gudalur South Police Station,
Theni District.
(In Crime No.240 of 2019)

2.Jeyaprabhu

... Respondents

Prayer: Criminal Original Petition filed under Section 407 r/w. Section 482 of the Code of Criminal Procedure, praying to transfer the case in S.C.No.164 of 2021 on the file of the learned Sub Court, Uthamapalayam to the learned I Additional District and Sessions Judge, Dindigul for the purpose of trial.

For Petitioner : Mr.Henri Tiphagne

For R1 : Mr.B.Thanga Aravindh
Government Advocate (Crl. Side)



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ORDER

WEB COPY The learned Counsel for the Petitioner would submit that the Petitioner is arrayed as Accused No.3 in S.C.No.164 of 2021 on the file of the Sub Court, Uthamapalayam, Theni District. He seeks withdrawal of S.C.No.164 of 2021 and transfer of it to any other court outside the Theni District. For sake of convenience, he seeks transfer of case in S.C.No.164 of 2021 to the I Additional District and Sessions Court, Dindigul, Dindigul District on account of the fact that as per the earlier order of this Court dated 15.12.2023 in Crl.O.P.(MD) No.11387 of 2023, the case in S.C.No.37 of 2022 on the file of the Additional District Court (Fast Track), Theni, in which, the petitioner was Accused No.2, was transferred to the said I Additional District and Sessions Court, Dindigul, Dindigul District.

2. It is the submission of learned Counsel for the Petitioner that since as per the order dated 15.12.2023, the case in S.C.No.37 of 2022 pending on the file of the Additional District Court (Fast Track), Theni was withdrawn and transferred to the I Additional District and Sessions Court, Dindigul, Dindigul District, the case in S.C.No.164 of 2021 may be transferred to the said I Additional District and Sessions Court, Dindigul.



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WEB COPY 3. When the case came up for hearing, the learned Government Advocate (Crl. Side) sought time to submit his response.

4. Since it is case involving the withdrawal of the case from one Sessions Division to another Sessions Division, this Court passes orders without seeking reply by the learned Government Advocate (Crl. Side) on the ground that earlier, this Court withdrew the case in S.C.No.37 of 2022 due to the threat perception expressed by the learned Counsel for the Petitioner herein and transferred it to the Dindigul Sessions Division.

5. The learned Single Judge in the order dated 15.12.2023 in Crl.O.P.(MD) No.11387 of 2023 had observed that there are rival groups within the same locality and therefore, in the interest of justice, the case had been withdrawn from Theni Sessions Division to Dindigul Sessions Division.

6. In the observations made by the learned Single Judge in the above case, the case in S.C.No.164 of 2021 on the file of the Sub Court, Uthamapalayam, Theni District is withdrawn and transferred to the I



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Additional District and Sessions Court, Dindigul, Dindigul District.

Subsequent expenses shall be met by the State Government.

7. Accordingly, this Criminal Original Petition is allowed.

Consequently, connected Miscellaneous Petition is closed.

07.03.2024

Index: Yes/ No

Neutral Citation: Yes / No

Speaking Order / Non-Speaking Order

JEN

To

- 1.The Inspector of Police,
Gudalur South Police Station,
Theni District.
- 2.The Sub Judge,
Uthamapalayam,
Theni District.
- 3.The I Additional District and Sessions Judge,
Dindigul, Dindigul District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



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SATHI KUMAR SUKUMARA KURUP, J.

JEN

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