



CrI.O.P.(MD) No.4604 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.04.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL.O.P (MD) No.4604 of 2024

and

CRL.M.P (MD) Nos.3607 and 3608 of 2024

1. Subramani,

2. Kathan,

... Petitioners

Vs

State represented by
The Inspector of Police,
Kulithalai Police Station,
Karur District.
Crime No.98/2021.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to withdraw the case in SC No.45 of 2021 on the file of the Principal District Court, Karur and transfer the same to the Principal District Court, Trichy or any other competent Court.

For Petitioners : Mr.S.Vinayak

For Respondent : Mr.B.Thanga Aravindh
Government Advocate (Crl. side)



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ORDER

This Criminal Original Petition has been filed seeking to transfer the case in S.C.No.45 of 2021, on the file of the Principal District Court, Karur, to the Principal District Court, Trichy or any other competent Court.

2.The petitioners are accused in S.C.No.45 of 2021, which is pending on the file of the Principal District and Sessions Court, Karur. The petitioners are facing the charges for the offences under Section 302 and 324 IPC.

3.The grievance of the petitioners is that all the witnesses were examined and the case was posted for arguments. At that point, the Sessions Judge *suo-motu* re-opened the evidence and summoned the accused and other witnesses. As against that order, the petitioners had filed a revision petition before this Court in Crl.R.C.(MD)No.1330 of 2023 and by referring the same, this petitioners had also filed this petition seeking to transfer the case in S.C.No.45 of 2021, which is pending on the file of the Principal



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District and Sessions Court, Karur to some other Sessions Court.

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4. Admittedly, the sessions trial is almost over and it is at the stage of arguments. In that event, the Session Judge *suo-motu* re-opened the evidence for certain clarification. The petitioners have to workout their remedy in the revision petition, which is pending before this Court in CrI.R.C.(MD)No.1330 of 2023.

5. Therefore, this Court is not inclined to transfer the case in S.C.No. 45 of 2021, pending on the file of the Principal District and Sessions Court, Karur. This criminal original petition is dismissed with liberty to the petitioners to workout their remedy before this Court in CrI.R.C.(MD)No. 1330 of 2023.

6. The learned Counsel appearing for the petitioners also submits that the Sessions Judge is pre-determined and he may pass order against the petitioners. Whether it is a Sessions Judge or any other Judge, he/she can pass order only based on the available evidence in the petition. If any order has been passed against the evidence, the petitioners can very well approach



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this Court.

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7. Consequently, the connected miscellaneous petitions are closed.

02.04.2024

NCC : Yes/No
Internet: Yes/No
Index: Yes/No

LR

To
1. The Inspector of Police,
Kulithalai Police Station,
Karur District.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

LR

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