



CrI.O.P.(MD)No.16327 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 27.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

CrI.O.P.(MD)No.16327 of 2024

and

CrI.M.P.(MD)No.10301 of 2024

V.Thangapandian

... Petitioner

Vs.

1.The Inspector of Police,
VK Puram Police Station,
Tirunelveli District.
(Crime No.104 of 2023)

2.Ulaganathan Alias Sankar
3.Murugan @ Keethi
4.Venkatasubramanian @ Venkatesh
5.Selvaraj @ Rasu
6.Vaithilingam @ Rasu
7.Esakkipandiyan @ Esakkipandi
8.Sudalaimuthu

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to transfer the case in S.C.No.869 of 2023 pending on the file of the IV Additional District and Sessions Court, Tirunelveli to any other Court having competent jurisdiction in nearby district for further adjudication and consequently direct the such transfer Court to dispose of the same in the manner known to law.



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For Petitioner : Mr.R.Anand

For R1 : Mr.P.Kottai Chamy
Government Advocate (Crl. Side)

ORDER

This criminal original petition has been filed seeking orders to transfer the case in S.C.No.869 of 2023 pending on the file of the IV Additional District and Sessions Court, Tirunelveli to any other Court having competent jurisdiction in nearby district for further adjudication and consequently direct the such transfer Court to dispose of the same in the manner known to law.

2.The learned counsel appearing for the petitioner would submit that earlier the petitioner has filed a petition in Crl.O.P.(MD)No.18413 of 2023 seeking directions to the Judicial Magistrate, Ambasamudram, Tirunelveli to commit the case in PRC.No.50 of 2023 to the Court of Sessions, Tirunelveli and this Court passed an order dated 10.10.2023 directing the learned Magistrate to commit the case, within a period of one month from the date of receipt of the copy of that order and this



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Court directed the Sessions Court to dispose the case, within a period of five months from the date of receipt of records from the committal Court since the accused Nos.1 to 5 were in custody. He would further submit that though this Court is passed an order dated 10.10.2023, the trial is not yet commenced and that A4 has been absenting continuously and his absenting is being condoned by the Court in allowing the petitions under Section 317 Cr.P.C.

3.It is evident from the records from B Diary extract that A4 has been absenting on all hearing dates and his application under Section 317 Cr.P.C., came to be allowed. More over, as already pointed out though this Court has issued a direction on 10.10.2023, to dispose the case, within five months, the trial is not commenced, as the case stands posted for opening of prosecution.

4.Though the petitioner has sought for transfer the case, he has not assigned any valid reason or ground to transfer the case at this point of time. Hence, the IV Additional District and Sessions Court, Tirunelveli is directed to complete the trial and dispose the case, within a period of



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three months from the date of receipt of a copy of this order.

Accordingly, this criminal original petition is disposed of. Consequently, connected miscellaneous petition is closed.

27.09.2024

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

To

1.IV Additional District and Sessions Court, Tirunelveli

2.The Inspector of Police,
VK Puram Police Station,
Tirunelveli District.

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



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K.MURALI SHANKAR,J.

gns

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