



Crl.O.P.No.2979 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.2979 of 2024
and Crl.M.P.No.2352 of 2024

Prabakaran

... Petitioner

Vs

1. State Represented By
Sub Inspector of Police,
Keevalur Police Station,
Nagapattinam District.

2. BNS Alias Dhanapal Munishkumar ... Respondents

PRAYER: Criminal Original Petition is filed under Section 407 of Cr.P.C, to pass an order of withdrawal and transfer the case in S.C.No.28 of 2018, pending on the file of the learned Principal District and Sessions Judge, Special Court for SC and ST (POA) Cases, Nagapattinam, to any other Court of competent jurisdiction in the same district or to any other Courts.

For Petitioner : Mr.V.Madasamy

For R1 : Mr.R.Vinothraja
Government Advocate (Crl.side)



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ORDER

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This Criminal Original Petition has been filed to pass an order of withdrawal and transfer the case in S.C.No.28 of 2018, pending on the file of the learned Principal District and Sessions Judge, Special Court for SC and ST (POA) Cases, Nagapattinam, to any other Court of competent jurisdiction in the same district or to any other Courts.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the first respondent and perused the materials placed on record.

3. The petitioner is the complainant and he belongs to Scheduled Caste community. On the complaint given by the petitioner, the second respondent registered the FIR. After completion of investigation, final report was filed and the same has been taken cognizance by the Trial Court in Spl.S.C.No.28 of 2018 and it is pending for trial. The petitioner, now sought for transfer of the entire trial, on the ground of making allegation as against the Judicial Officer.



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4. Therefore, this Court called for report from the concerned Judicial Officer. A perusal of the report dated 26.02.2024 revealed that the petitioner failed to appear for so many hearing dates such as 02.11.2023, 06.12.2023, 05.01.2024, 19.01.2024 for his evidence. Therefore, the petitioner was issued with notice by the Trial Court to attend the Court on 14.02.2024. Even then, the petitioner did not appear on that date. Therefore, the trial is pending.

5. In view of the above, this Court finds no reason to transfer the entire trial in S.C.No.28 of 2018 from the learned Principal District and Sessions Judge, Special Court for SC and ST (POA) Cases, Nagapattinam, to any other Court.

6. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous petition is closed. However, the trial Court is directed to complete the Trial, within a period of six months from the date of receipt of a copy of this order. The petitioner shall co-operate with the Trial and shall not be absent during deposition.

04.02.2025

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
mn



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G.K.ILANTHIRAIYAN. J.

mn

To

1. The Principal District and Sessions Judge, Special Court for SC and ST (POA) Cases, Nagapattinam.
2. Sub Inspector of Police,
Keevalur Police Station,
Nagapattinam District.
3. The Public Prosecutor,
High Court, Madras.

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