



Crl.O.P.No.3583 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

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& Crl.M.P.No.2344 of 2025

E. Rahilent Ebens, aged 59 Years,
S/o. Ebens Ebinessor,
Principal, The Ebinessor Higher Secondary Residential School,
Kottur, Authanavur P.O., Yelagiri Hills,
Tirupathur Taluk & District
... Petitioner/Defacto
Complainant

Vs.

1. The State,
Rep. by Inspector of Police,
District Crime Branch,
Vellore.
2. Murugan, aged 42 Years,
S/o. Late. Govindan,
3. Sakthivel, aged 39 Years,
S/o. Late. Govindan,
4. Sathiyavani, aged 37 Years,
D/o. Late. Govindan,
5. Rukumani, aged 72 Years,
W/o. Late. Govindan,
6. Mangai aged 47 Years W/o. Ramasami



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7. Kaliyammal, aged 74 Years,
W/o. Late. Krishnan,
No. 2 to 7 Respondents are residing at:- Kottur Village,
Authahavur P.O., Yelagiri Hills,
Tirupathur Taluk & District

8. Kaliyammal, aged 76 Years,
W/o: Konangi Ramasamy,
Nilavur Village & Post,
Yelagiri Hills,
Tirupathur Taluk &
District.

... Respondents/Complainant

Prayer: Criminal Original Petition is filed under Section 447 of the Bharatiya Nagarik Suraksha Sanhita, 2023 pleased to withdraw the above case in Crl.A.No.150 of 2023 pending in the file of the Hon'ble I Additional District and Sessions Judge Vellore and transfer the same to the Hon'ble District and Sessions Judge, Tirupathur, to be heard along with the Criminal Appeal in Crl.A.No.1 of 2025 which is pending on the file of the Hon'ble District and Sessions Judge, Tirupathur.

For Petitioner : Mr.I.Jenkins William
For R1 : Mr.K.M.D.Muhilan,
Government Advocate (Crl. Side)

ORDER

This petition has been filed seeking direction to withdraw the case in Crl.A.No.150 of 2023 pending in the file of the Hon'ble I Additional District and Sessions Judge Vellore and transfer the same to the Hon'ble District and



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Sessions Judge, Tirupathur, to be heard along with the Criminal Appeal in Crl.A.No.1 of 2025 which is pending on the file of the Hon'ble District and Sessions Judge, Tirupathur.

2. The petitioner is the de facto complainant in Crime No.74 of 2008 for the offences punishable under Sections 465, 467, 468, and 420 of the IPC. After the completion of the investigation, final report was filed and the same has been taken cognizance by the trial Court in C.C.No.5 of 2012 on the file of the Judicial Magistrate No.II, Vellore. The trial Court convicted the accused persons and sentenced them to undergo two years of rigorous imprisonment (R.I.) for the offence punishable under Section 120(b) of the IPC and to pay a fine of Rs.5,000/-, in default to undergo simple imprisonment (S.I.) for 3 months. The Court further sentenced the accused to undergo 2 years of R.I. for the offence under Section 420 r/w 511 of the IPC and to pay a fine of Rs.5,000/-, in default to undergo 3 months of S.I., with the sentences to run concurrently. The Lower Court, however, acquitted the accused of the charges under Section 506(ii) of the IPC.

3. The petitioner has filed an appeal for enhancement of sentence in Crl.A.No.1 of 2025, which is pending for adjudication on the file of the



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District and Sessions Judge, Tirupathur. Against the very same order of conviction, the accused have filed an appeal in Crl.A.No.150 of 2023, which is pending for adjudication on the file of the I Additional District and Sessions Judge, Vellore. Both the petitioner and the accused are within the territorial jurisdiction of Tirupathur.

4. This Court, without ordering notice to respondents 2 to 8 and to avoid a conflict of judgments, is inclined to transfer the Criminal Appeal filed by respondents 2 to 8 in Crl.A. No. 150 of 2023 from the file of the I Additional District and Sessions Judge, Vellore, to the file of the District and Sessions Judge, Tirupathur.

5. In view of the above, Crl.A. No. 150 of 2023 is hereby withdrawn from the file of the I Additional District and Sessions Judge, Vellore and transfer to the file of the District and Sessions Judge, Tirupathur. The Appellate Court, Tirupathur, is directed to club the case together and dispose of the same by way of a common order.



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6. With the above direction, this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petition is closed.

12.02.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

To,

1. The I Additional District and Sessions Judge, Vellore.
2. The District and Sessions Judge, Tirupathur.
3. The Inspector of Police, District Crime Branch, Vellore.
4. The Public Prosecutor, High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

bsm

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