



*CrI.O.P.No. 4168 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2025

CORAM:

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

CrI.O.P.No. 4168 of 2025

and

CrI.M.P.No.2653 of 2025

Velayudham @ Periyamalik

..... Petitioner

Vs

State Rep.By,  
The Inspector of Police,  
All Women Police Station Mannargudi,  
Thiruvarur District.  
Cr.No.16 of 2023

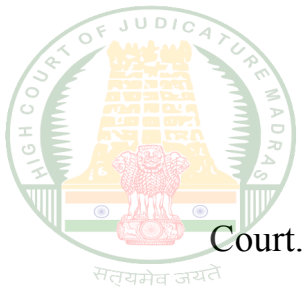
..... Respondent

**PRAYER:** Criminal Original Petition is filed under Section 482 of Code of Criminal Procedure, to withdraw and transfer the case in Spl.S.C.No.9 of 2024 pending on the file of the learned Sessions Judge, Fast Track Mahila Court at Thiruvarur.

For Petitioner : Mr.R.John Sathyan, Senior Counsel  
for Mr.Swamisubramanian  
For Respondent : Mr.K.M.D.Muhilan  
Government Advocate (CrI.Side)

**ORDER**

This Criminal Original Petition has been filed seeking transfer of the trial in Spl.S.C.No.9 of 2024 from the file of the Sessions Judge, Fast Track Mahila Court, Thiruvarur to any other competent



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2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner is an accused in Spl.S.C.No.9 of 2024 and is facing trial for the offences under Sections 5(i), 5(m) and 5(1) r/w 6 of the Protection of Children from Sexual Offences Act, 2012, pending on the file of the Sessions Judge, Fast Track Mahila Court, Thiruvavur.

4. A perusal of the charge sheet reveals that the respondent police cited 33 witnesses, including L.W.3, the victim child, who is aged about 5 years old. When the victim was produced for evidence on 03.12.2024, she was not properly deposed and as such, the Presiding Officer intervened to assist her. Further, the Presiding Officer accepted the victim's statement recorded under Section 164 of Cr.P.C. for her deposition. Aggrieved by this, the petitioner has sought transfer of the trial, contending that he may not receive a fair trial before the same Presiding Officer.

5. That apart, the learned Senior Counsel also produced



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various statement made by the victim before different authorities. All the statements are inconsistent with each other. Therefore, this Court directed the Presiding Officer to submit a report in this regard.

6. A perusal of the report dated 14.02.2025 reveals that the mindset and body language of the victim child was not good on 03.12.2024 and as such, the Presiding Officer tried to relax and comfort the child to enable further proceedings. However, the victim appeared to be in distress and responded to questions in a timid and feeble manner. Therefore, the Trial Court did not record her evidence and adjourned the matter. Thereafter, the victim girl has not been produced before the Court so far. In the circumstances, it would not be appropriate to continue the trial before the same Court, since the Presiding Officer may not be in a position to objectively assess the deposition, especially in the light of the statement recorded under Section 164 of Cr.P.C.

7. In view of the above, the trial proceedings in Spl.S.C.No.9 of 2024 are hereby withdrawn from the file of the learned Sessions Judge, Fast Track Mahila Court at Thiruvarur and are transferred to the file of the Principal District and Sessions Judge,



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Thiruvarur for further trial in accordance with law.

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8. With the above direction, this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

06.03.2025

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

To

1. The Sessions Judge,  
Fast Track Mahila Court at Thiruvarur.

2. The Principal District and Sessions Judge,  
Thiruvarur.

3. The Inspector of Police,  
All Women Police Station Mannargudi,  
Thiruvarur District.

4. The Public Prosecutor,  
High Court of Madras,  
Chennai.



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**G.K.ILANTHIRAIYAN, J.**

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