

Crl.O.P.No.21146 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl.O.P. No.21146 of 2025
and Crl.M.P.No.14522 of 2025

Nayeem

.. Petitioner

Vs.

1.State Rep. by
The Inspector of Police,
Anuparpalayam Police Station
Tiruppur District.
[Crime No.133 of 2024]

2.M.Dinesh Kumar
[R2 impleaded vide order of this Court
dated 01.09.2025 made in Crl.M.P.No.16445 of 2025
by NSKJ]
Respondents

..

PRAYER: Criminal Original Petition filed under Section 447 of BNSS, to transfer the S.C.No.106 of 2024, pending on the file of the Special Court for Trial of Cases under SC/ST [PoA] Act, Tiruppur to any other competent Court of nearby District.

For Petitioner : Mr.W.Camyles Gandhi
For Respondent-1 : Mr.R.Vinothraja, GA (Crl. Side)
For Respondent-2 : Mr.Deepan Uday



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ORDER

This Criminal Original Petition has been filed by the petitioner seeking for the transfer of S.C.No.106 of 2024, pending on the file of the Special Court for Trial of Cases under SC/ST [PoA] Act, Tiruppur to any other competent Court of nearby District.

2. Heard the learned counsel for the petitioner and learned counsel for the second respondent, as well as the learned Government Advocate (CrI. Side) appearing on behalf of the first respondent.

3. The learned counsel for the petitioner submitted that the de-facto complainant is the elder brother of the deceased in this case and he is a practising advocate. He further submitted that in this background, the petitioner is not in a position to defend his case as the defacto complainant, who is a practising lawyer may influence the trial and hence, prayed this Court to transfer his Session Case to any other competent Court in Coimbatore District.



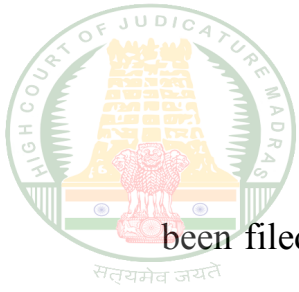
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4. The learned Government Advocate (CrI. Side) on instructions submitted that out of 70 witnesses, 25 witnesses have been examined and effectively cross examination have also completed on those witnesses. He contended that at this stage, only in order to protect the trial proceedings, the present petition has been preferred by the petitioner and hence, prayed this Court to dismiss the petition.

5. It is seen that the transfer has been sought by the petitioner on the ground that the defacto complainant is an advocate and he may influence the trial proceedings. It is predominant to note that merely because the complainant, who is the family member of the deceased, is a practising advocate, it cannot be said that the trial will not be conducted fairly as the trial is the complete domain of the trial Court. Moreover, 25 witnesses have been examined and those witnesses have also been cross examined effectively and now, the matter has been posted for further evidence of other witnesses.

6. In this backdrop, this Court is of the considered opinion that the present petition filed by the petitioner clearly indicates that the same has



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been filed only to protect the proceedings of the trial. Hence, I do not find any merits in this case. Accordingly, the Criminal Original Petition stands dismissed. Consequently, the connected Criminal Miscellaneous Petition is also closed.

01.09.2025

DP



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To

- 1.The Inspector of Police,
Anuparpalayam Police Station,
Tiruppur District.
- 2.The Public Prosecutor,
Madras High Court.



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N. SATHISH KUMAR, J.

DP

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