



Crl.O.P.No.23024 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2025

CORAM:

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

Crl.O.P.No.23024 of 2024
and Crl.M.P.No.13096 of 2024

S.Vivek

... Petitioner

Vs.

1. The State Rep. by
The Inspector of Police,
C.B.C.I.D.,
Thiruvallur District.

2. Devadass
3. Dr.A.David Maniarasan
4. Radhakrishnan
5. Durairaj
6. Ponvel
7. Arunachalam
8. Gowri
9. Balasubramanian
10. Balu

... Respondents

Prayer: Criminal Original petition filed under Section 447 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to withdraw the case in C.C.No.102 of 2013 from the file of the Court of the learned Judicial Magistrate No.1, Tiruvallur and transfer the same to the file of any of the Court of the Metropolitan Magistrate in Chennai.



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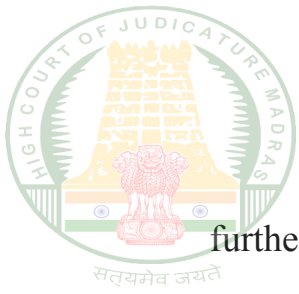
For Petitioner : Mr.R.Krishnakumar
For Respondents : Mr.K.M.D.Muhilan
For R1 : Mr.K.M.D.Muhilan
Government Advocate (Crl. Side)

ORDER

This petition has been filed seeking transfer of case in C.C.No.102 of 2013 from the file of the Court of the learned Judicial Magistrate No.1, Tiruvallur to the file of any of the Court of the Metropolitan Magistrate in Chennai.

2. The petitioner is the complainant and he was examined as P.W.1. Thereafter, the trial Court did not proceed trial for one or other reason. In fact, already the accused persons were filed discharge petition before this Court in Crl.O.P.No.14999 of 2017 and while dismissing the discharge petition, this Court by an order dated 08.09.2021, directed the trial Court to conduct trial on day-to-day basis and complete the same. However, so far the trial Court failed to complete the trial.

3. On instructions, the learned Government Advocate (Crl. Side) submitted that only because of the non appearance of the petitioner for cross examination of P.W.1, the trial could not able to proceed



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further. Now P.W.1 to P.W.12 were examined and the trial has been posted on 12.02.2025 for examination of L.W.13 to L.W.23 out of 51 witnesses.

4. After examination of witness, at this stage it would not proper to transfer the trial to any other Court. It would cause serious prejudice to all the witnesses. This Court finds no reason to transfer the trial to any other Court at Chennai. However, the trial Court viz., learned Judicial Magistrate No.1, Tiruvallur is directed to complete the trial in C.C.No.102 of 2013, within a period of three months from the date of receipt of a copy of this Order, in the light of the order passed in Crl.O.P.No.14999 of 2017 dated 08.09.2021.

5. Accordingly, the Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

03.02.2025

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



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G.K.ILANTHIRAIYAN, J.

rts

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To

1. The Judicial Magistrate No.1,
Tiruvallur

2.The Inspector of Police,
C.B.C.I.D.,
Thiruvallur District.

3. The Public Prosecutor,
Madras High Court,
Chennai.

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