



Crl.O.P.(MD)No.5706 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :27.03.2025

CORAM :

THE HON'BLE MR.JUSTICE P. DHANABAL

Crl.O.P.(MD) No.5706 of 2024
and Crl.M.P(MD) No.4173 of 2025

V.S.Thripurasundari

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by the Superintendent of Police,
Dindigul District,
Dindigul.

2. The Inspector of Police,
Vilampatti Police Station,
Nilakottai Taluk,
Dindigul District.

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to issue a direction to withdraw the cases S.C. No. 77 of 2010 pending on the file of the Additional District and Sessions Judge, Dindigul to transfer the same to the District and Sessions Court, or any other competent court at Madurai, within a time frame as fixed by this Court.

For Petitioner : Mr.E.K.Kumaresan

For R1 & R2 : Mr.M.Sakthi Kumar

Government Advocate (Crl. Side)



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ORDER

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This Criminal Original Petition has been filed by the petitioner to transfer the case in S.C.No.77 of 2010 pending on the file of the Additional District and Sessions Judge, Dindigul to transfer the same to the District and Sessions Court or any other competent Court at Madurai.

2. According to the petitioner, he is the defacto complainant in this case. Now the case is posted for trial and already some of the witness were examined. While so, he received life threat from the accused and other persons, and the respondent police have also not given adequate police protection to the petitioner. The second respondent police officials have taken the petitioner to their custody and threatened him. Therefore, he got mental agony and admitted in the hospital and taken treatment. Still the treatment is continuing. Therefore, the case has to be transferred from the Additional District and Sessions Judge, Dindigul to any other competent Court at Madurai.

3. The learned counsel appearing for the petitioner would submit that if the trial is conducted before the Court, there is a life threat to the petitioner and the second respondent himself threatened the petitioner and thereby, he could not get justices. Therefore, the case has to be transferred



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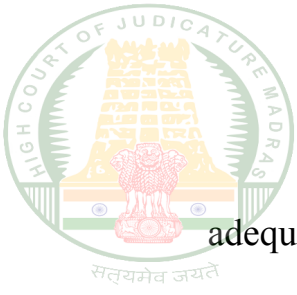
to some other Court at Madurai.

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4. The learned Government Advocate (Criminal Side) appearing for the respondents would submit that they denied all the allegations levelled against them and already, most of the witness were examined in this case. Now the petitioner has filed this petition only to delay the proceedings and as against the petitioner witness warrant is also pending. Therefore, he strongly opposed to transfer the case.

5. Heard both sides and perused the records.

6. The main contention of the petitioner is that, there is a life threat to the petitioner to go to the Trial Court and the second respondent has himself threatened the petitioner against deposing before the Trial Court. While so, it is for the first respondent to give adequate protection to the petitioner under the Witness Protection Scheme, 2018. Considering that in this case, already most of the witnesses were examined and the petitioner is also not doing well at present, the Trial Court is directed to adjourn the matter after one month and fix a date and issue summon to the petitioner. Thereafter, the petitioner is directed to appear before the Trial Court on the date fixed by the Trial Court. At the same time, the first respondent is directed to give



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adequate police protection to the petitioner to go to the Trial Court and to give evidence. At the time of granting police protection, except the second respondent, the other police officials have to be deployed.

7. With the above said observation and direction, this criminal original petition is disposed of. Consequently, connected criminal miscellaneous petition is closed.

27.03.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes

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Note : Issue order copy on 28.03.2025



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To

1. The Superintendent of Police,
Dindigul District,
Dindigul.
2. The Inspector of Police,
Vilampatti Police Station,
Nilakottai Taluk,
Dindigul District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P. DHANABAL, J.

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