



*Crl.O.P.(MD)No.6205 of 2025*

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 08.04.2025**

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**CORAM**

**THE HON'BLE MR.JUSTICE P.DHANABAL**

Crl.O.P.(MD)No.6205 of 2025

and

Crl.M.P(MD)No.4512 of 2025

Kannan @ Rajasekaran

.. Petitioner

**Vs.**

The Inspector of Police  
Nachiyarkoil Police Station  
Kumbakonam Taluk  
Thanjavur District

.. Respondent

**PRAYER :** Criminal Original Petition filed under Section 447 of BNSS, to withdraw and transfer the Sessions Case in S.C.No. 38/2022 pending on the file of the I Additional Sessions Court, FTC, Kumbakonam, Thanjavur District to any other competent court to try the same in any other district.

|                |                              |
|----------------|------------------------------|
| For Petitioner | : Mr.V.Malaiyendran          |
| For Respondent | :Mr.R.M.Anbunithi            |
|                | Additional Public Prosecutor |

**ORDER**

This Criminal Original Petition has been field to transfer the case pending in S.C.No.38 of 2022 on the file of the I Additional District and Sessions Court, Fast track Court, Kumabakonam, to any other competent Court.



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2. The learned counsel appearing for the petitioner would submit that the petitioner is the seventh accused in this case and based on the complaint given by the defacto complainant a case has been registered in Crime No.1320 of 2020 for the offences under Sections 294(b), 147,148,302,120(B)r/w.149 of IPC against the petitioner and others. The respondent police after completing investigation filed final report on 30.05.2021 and thereafter the case was committed to the Sessions Court,Thanjavur and now the case was made over to the I Additional District and Sessions Court, Fast Track Court, Kumbakonam and the same is pending in S.C.No.38 of 2022.

3. The brother of the deceased was the practicing advocate and due to property dispute the above said occurrence was happened and the brother of the petitioner also lodged complaint against the defacto complainant and the brother of the deceased Kamaraj and the case was registered in crime No. 1320 of 2020 was registered against Kaviraj, Kamaraj and Ilayaraja on the file of the respondent police and the same is pending. While so on 19.10.2020, the younger brother of the defacto



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complainant namely Kamaraj, advocate practicing in Kumbakonam Jurisdiction court and Sakthivel who is associated with Kaviraj and Kamaraj were killed by some anti social elements. Since the deceased Kamaraj, advocate was involved in several illegal activities by engaging himself in Kattapanchayat and kangaroo Court conducted by late Kamaraj and Sakthivel taken vengeance and murdered Kamaraj and Sakthivel by chasing them with deadly weapons . There is a civil dispute pending between the deceased Kamaraj and family of the defacto complainant and the accused persons including the petitioner herein and already a criminal case has been registered against the defacto complainant at the instance of the brother of the petitioner and one Rajavel who is arrayed as A11. Since the brother of the deceased Kamaraj was a practicing advocate the entire bar members in the Thanjavur District had unanimously taken decision not to appear as a defense counsel for the petitioner and his brother. Therefore the petitioner and other accused persons virtually put to a defenseless position and they were forced to appear before the Court and defend the case without any expert legal assistance. Hence the valuable right of engaging a legally trained expert to defend their case to prove that they are innocent in the eye of law has been denied. There is no conducive atmosphere prevailing in the entire Thanjavur District for conducting this



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case particularly to defend their case in free and fair manner in view of the entire advocates practicing in Kumbakonam had taken it indifferently as if the petitioner and other accused persons murdered the deceased advocate. The District Judge has also appointed a legal aid counsel to defend this case and he is also from the Kumbakonam bar where the District Judge had categorically recorded about the bar resolution that nobody should come forward to defend the case of the petitioner . Therefore the case has to be transferred from the file of the I Additional Sessions Court, FTC, Kumbakonam to any other competent Court.

4. The learned Government Advocate(Crl.side) appearing for the respondent would submit that based on the complaint lodged by the defacto complainant a case has been registered against the petitioner and others and thereafter the respondent police conducted investigation and filed final and the case is now pending. At this stage the entire bar members of the Thanjavur District passed a resolution not to defend the case in favour of the petitioner. Further if the case is transferred to any other district all the witnesses have to travel to give their evidence, therefore this petition is liable to be dismissed.



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5. Heard both sides and perused the materials available on record.

6. The prayer sought for in this petition is to transfer the case pending in S.C.No.38 of 2022 on the file of the I Additional District and Sessions Court, Fast track Court, Kumabakonam, to any other competent Court. The reason stated by the petitioner is that since the brother of the deceased was a practicing advocate the bar has passed a resolution not to appear for the petitioner and others in this case. The learned District Judge has also appointed legal aid counsel. There is no conducive atmosphere to conduct the case before the I Additional District and Sessions judge, Fast Track Court, Kumbakonam .Therefore in order to conduct a fair trial and to meet the ends of justice it is appropriate to transfer the case from the file of the I Additional Sessions Court, FTC, Kumbakonam, Thanjavur District to any other competent court.

7.In view of the same, this Criminal Original Petition stands allowed and the case in S.C. No. 38 of 2022 pending on the file of the I Additional Sessions Court, FTC, Kumbakonam, Thanjavur District is ordered to be transferred to the file of the Principal District Court, Trichy and the I Additional Sessions Court, FTC, Kumbakonam, Thanjavur District is



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directed to transfer the case papers to the Principal District Court, Trichy within a period of one week from the date of receipt of a copy of this order and thereafter the Principal District Court, Trichy is directed to take the case on file and dispose of the same in accordance with law as early as possible. Consequently connected miscellaneous petition stands closed.

**08.04.2025**

NCC : Yes/No  
Index : Yes / No  
Internet : Yes / No  
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To

1. The Principal District Court, Trichy
2. The I Additional Sessions Court, FTC, Kumbakonam,  
Thanjavur District
3. The Inspector of Police  
Nachiyarkoil Police Station  
Kumbakonam Taluk  
Thanjavur District
4. The Additional Public Prosecutor  
Madurai Bench of Madras High Court  
Madurai



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**P.DHANABAL,J.**

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