



CrI.O.P.(MD)No.9906 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.06.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.OP(MD)No.9906 of 2025 and
CrI.MP(MD) No.7313 of 2025

1.Thirumurugan

2.George Kutti @ Benny

... Petitioners

Vs

1.The State of Tamil Nadu

Represented by

The Inspector of Police,

Kumuli Police Station,

Theni District.

2.Vinothini

...Respondents

Prayer : Criminal Original Petition filed under Section 447 of BNSS, 2023, to pass necessary orders to transfer the criminal case in SC No.115 of 2024, on the file of the Additional District Judge, Periyakulam to Madurai District and Sessions Court at Madurai District.

For Petitioners

For Respondent

: Mr.V.Ramakrishnan

: Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor



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ORDER

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The petitioners are the forest officials. They are facing a trial before the learned Additional District and Sessions Judge, Periyakulam in SC No.115 of 2024 for the offence under Sections 302, 201,342,114 r/w Section 34 of IPC and Section 27(1) of Arms Act. The petitioners have moved this petition, seeking transfer of trial in SC No.115 of 2024, which is pending on the file of the learned Additional District Sessions Judge, Periyakulam to any of the Sessions Court at Madurai.

2.The learned counsel for the petitioners submits that they are facing life threat from the complainant's side and from a political party. The deceased party are also posing life threat to the petitioners. According to the petitioners, a group of people are watching them and are conducting agitation, whenever they appear for trial. The learned counsel further submits that they have lodged several complaints to the Superintendent of Police in this regard. The Superintendent of Police has also deputed a police constable and the Sub Inspector of Police along with the petitioners during the trial. Even then, they feel that they are not secured and they may receive life threat from the deceased party and also from a political party, which is monitoring the trial.



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3.The learned Additional Public Prosecutor submits that the case is now pending before the Additional Sessions Court at the stage of trial.

4.The apprehension of these petitioners for transferring a murder case from one Court to another Court is not sufficient. The convenience of the witnesses is the paramount. Probably the apprehension of the petitioners would be that since certain agitations are being made, the trial Court may get prejudiced. This apprehension is unwarranted. The trial Court would conduct the trial in a fair manner, as expected.

5.The trial court is also expected to ensure that the persons who are appearing before the Court, whether they are accused or witnesses are appearing before the Court without any fear of threat. In the event, if the petitioners are having a specific incident of threat to their life, they can make the complaint before the concerned trial court. The trial court shall find out the veracity of the same through the public prosecutor and order for necessary protection, if any, required by the



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petitioners. The submission of petitioners that the life threat itself is made by uniformed persons cannot be appreciated. The petitioners have to bear in mind that they are also uniformed persons.

6.In view of the foregoing observations, this Court is not inclined to grant the relief as prayed for. Accordingly, this Criminal Original Petition is dismissed.

13.06.2025

NCC : Yes/No

Index : Yes/No

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To

1.The Inspector of Police,
Kumuli Police Station,
Theni District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J

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Order made in
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