



CRL OP(MD). No.17299 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 13/10/2025

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL OP(MD). No.17299 of 2025

Arunachalam

... Petitioner

Vs

1.The State of Tamilnadu rep by its,
The Deputy Superintendent of Police,
Colachel Sub Division,
Kanyakumari District.

2.The Inspector of Police,
Kollemcode Police Station,
Kanyakumari District.
Crime No.43 of 2012.

3.A.Hariharan

... Respondents

PRAYER :-Criminal Original Petition is filed under Section 482 of Cr.P.C., to withdraw SC.No.11 of 2025 pending before the Principle Sessions Judge and Special Court for Trial of Cases under SC/ST(POA)Act, Nagercoil at Kanyakumari District and transfer the same to the II-Additional District Court cum Special Court for Trial of Cases under SC/ST (POA) Act at Tirunelveli, Tirunelveli District in the interest of justice.



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For Petitioner : Mr.S.Sathyachidambaram

For R1 and R2 : Mr.R.M.Anbunithi,
Additional Public Prosecutor

ORDER

The petitioner seeks transfer of trial in S.C.No.11 of 2025 from the file of the learned Principle Sessions Judge, Special Court for the Trial of Cases under SC/ST(POA)Act, Nagercoil at Kanyakumari District to the II-Additional District Court cum Special Court for Trial of Cases under SC/ST (POA) Act at Tirunelveli, Tirunelveli District.

2.The main ground raised by the petitioner is that during a hearing of the case on 01.08.2025, there was an altercation between the petitioner and a group of lawyers and that no lawyer from Kanyakumari District is therefore willing to appear for the petitioner and hence, the petitioner would be denied a fair trial.

3.The learned Additional Public Prosecutor appearing for the respondent police, on instructions, would submit that the occurrence took place in the year 2012 and out of 20 witnesses, 3 witnesses have already



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been examined and that the altercation took place because the petitioner, a police constable, in uniform sat in the seat allotted to the Public Prosecutor in the Court, which led to altercation with a few lawyers; that a lawyer is appearing on behalf of the petitioner and that in fact, his personal appearance on many occasions has been dispensed with by the Court as a lawyer had represented him.

4. In view of the above submissions, this Court is of the view that the reason stated by the petitioner for transfer may not be a valid ground to transfer the case. A lawyer is now representing the petitioner. Hence, this Court is not inclined to transfer the case, as it would cause inconvenience to the witnesses and other parties concerned. However, considering the reason for the alleged occurrence, this Court is of the view that it would suffice to dispense with the petitioner's appearance on all hearings, provided he is represented by a lawyer, except when his appearance is required by the learned Judge for the progress of the trial.



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5. With the above observations, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

13.10.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
cp

To

1. The Principle Sessions Judge, Special Court for Trial of Cases under SC/ST(POA) Act, Nagercoil at Kanyakumari District .

2. The Deputy Superintendent of Police,
Colachel Sub Division,
Kanyakumari District.

3. The Inspector of Police,
Kollemcode Police Station,
Kanyakumari District.

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



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SUNDER MOHAN,J

CP

ORDER
IN
CRL OP(MD) No.17299 of 2025

Date : 13/10/2025