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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-11-2026

Case QR

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 28514 of 2026 and
CRL MP No. 19015 of 2026
CNR:{HCMA012200462026}

Sharmila
W/o Selvakumar,

..Petitioner

Vs

State represented by,
The Inspector of Police,
Mannargudi Town Police Station,
Tiruvarur District – 614 001.

..Respondent

PRAYER : Criminal Original Petition filed under Section 447 of Bharatiya Nagarik Suraksha Sanhita, 2023, to withdraw and transfer the case in SC.No.84 of 2026 on the file of Principal District and Sessions Judge Thiruvarur to any other nearby district court such as Tanjavur or Trichy.

For Petitioner: Mr.G.Saravanakumar

For Respondent: Mr.A.Amarnath
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking a transfer of the trial in SC.No.84 of 2026 from the file of the learned Principal District and Sessions Judge, Thiruvarur, to any other Court in any alternative District.

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2. Heard the learned counsel appearing on either side and perused the materials placed on record.

3. The petitioner is the defacto complainant. The accused are facing charges for the offences punishable under Sections 103, 109, 115(2), 118(2), 119(2), 191(3), 296(b), 3(5), 351(3) of the Bharatiya Nyaya Sanhita, 2023, while the trial is currently pending before the learned Principal District and Sessions Judge, Thiruvarur. The petitioner has approached this Court seeking transfer of the entire trial, primarily on the ground that one of the accused is the Chairman of the Panchayat and is an influential person.

4. On perusal of records and the report submitted by the trial Court, it is seen that the trial Court had issued summons to the LW1 to LW3 and LW6 to LW8 and the same were duly served on 17.08.2026. However, they failed to appear before the trial Court and as such the trial Court issued witness warrants against them which are still pending. Thereafter, LW9, LW11, LW12 and LW13 were examined as P.W.1 to P.W.4 on 18.08.2026. The Witnesses LW5 and LW16 were examined as P.W.5 and P.W.6 on 20.08.2026. Subsequently, on 24.08.2026, LW23, LW14, LW19 and LW22 were examined as P.W.7 to P.W.10. On 25.08.2026 LW26 was examined as PW11. Subsequently, LW24 was examined as P.W.12 on 27.08.2026. Thus, it is evident that the petitioner, who is cited as LW1, has not appeared before the trial Court and a witness

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warrant is pending against the petitioner herein. In such circumstances, the petitioner is not entitled to seek the relief of transfer of the entire trial, as the grounds raised by the petitioner cannot be the reason for transfer of entire trial.

5. In view of the above discussion, this Criminal Original Petition is dismissed. However, the trial Court is directed to complete the trial within a period of three months from the date of receipt of a web copy of this order. The petitioner is directed to appear before the trial Court for the purpose of giving evidence. On her appearance, the trial Court is directed to recall the witness warrant and permit her to depose before the trial Court. Consequently, the connected miscellaneous petition is closed.

10-11-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

PSS/LPP

To

1. The Principal District and Sessions Judge, Thiruvarur.

2. The Inspector of Police, Mannargudi Town Police Station,
Tiruvarur District – 614 001.

3. The Public Prosecutor, High Court of Madras.

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G.K.ILANTHIRAIYAN J.

PSS

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