
(2024) 12 KL CK 0035

High Court Of Kerala

Case No: Transfer Petition (Criminal) No.125 Of 2024

Sarath Kumar

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision: Dec. 9, 2024

Hon'ble Judges: C.Jayachandran, J

Bench: Single Bench

Advocate: P.Venugopal, Srilakshmi T.S.

Final Decision: Allowed

Judgement

C.Jayachandran, J

1. Petitioner is the accused in two crimes, namely, crime nos.31/2024 and 32/2024, both of Vanitha Police Station, Malappuram. The Final Reports in

both these crimes have been preferred and in respect of the first crime, S.C.No.878/2024 is pending before the Fast Track Special Court, Manjeri,

which is the Special Court for offences under the P.O.C.S.O Act. In respect of the second crime, S.C.No.945/2024 is pending before the Special

Court for offences under the SC/ST (POA) Act and N.D.P.S Act, Manjeri.

2. Learned counsel for the petitioner would submit that, out of the 20 witnesses to be examined in both these cases, 14 witnesses are common.

Besides, the accused and the defacto complainant are also common. In such circumstances, learned counsel would submit that these two Sessions

Cases have to be considered by the same court, after consolidation.

3. Learned Public Prosecutor has no serious objection.

4. Notice has been served on R3 by the S.H.O. However, there is no representation for the R3 today. This Court would have waited for the 3rd

respondent to come and should have afforded her some more time, but for the reason that the trial in S.C. No.878/2024 is progressing and that PW1 has already been examined in part.

5. The allegation which constitutes crime no.31/2024 is that the petitioner had sexually harassed the defacto complainant on 06.12.2021. Similarly the allegation, which constitutes crime no.32/2024 is that the petitioner had sexually harassed the defacto complainant on 05.08.2023. This Court endorses the submission made by the learned counsel for the petitioner that both these cases are to be tried and considered by the same court and that the transfer sought for is necessary. This Court also notice that the accused and the defacto complainant, as also, 14 out of 20 witnesses, are common in both the cases.

6. In the afore referred facts and circumstances, S.C. No.945/2024 pending before the Special Court for offences under the SC/ST (POA) Act and N.D.P.S Act, Manjeri is transferred to the Fast Track Special Court, Manjeri. It is for the learned Special Judge dealing with the P.O.C.S.O cases to deal with the two cases appropriately, in accordance with law.

With the above observations, this Tr.P (Crl.) is allowed as indicated above.

Hand over.