

IN THE COURT OF THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
TIRUVANNAMALAI.

PRESENT : **Thiru.P. Mathusuthanan, B.A., B.L.,**
Principal District & Sessions Judge,
Tiruvannamalai.

Wednesday, the 08th day of April- 2026

Transfer Cr.M.P.No.3389/2025
(CNR No.TNTM01004444-2025)

<p>1. Gopal, aged 67 years, S/o Kannan, 2. Araiyaamdoss @ Anthonidoss, aged about 65 years, 3. Murugan, aged about 45 years, S/o Gopal, 4. Vetri, aged about 40 years, S/o Kannabiran 5. Oosivenkatesan, aged about 45 years, S/o Mani 6. Sabapathi, aged about 51 years, S/o Malaiyan 7. Anbu, aged about 51 years, S/o Arumugam 8. Pitchai, aged about 43 years, S/o Kannan All are residng at Araiyalam colony, Arni Taluk, Tiruvannamalai District.</p>		.. Petitioners/Accused
	Vs	
<p>State by Inspector of Police, Arni Taluk P.S. Cr.No.966/2010</p>		...Respondent / Complainant

This Criminal Miscellaneous Petition has come up for final hearing before me today (on 08.04.2026) in the presence of **Tr.M.D.Chandrasekaran** learned Advocate appearing for the petitioners, and **Tr.K.V.Manoharan** learned Public Prosecutor appearing for respondent and upon hearing the arguments on both side and upon perusing the available records and having stood over for consideration till this day, this court passed the following...

ORDER

The Petitioners have filed this petition u/s 448 BNSS to withdraw and transferring the case in S.C.No.27/2019 from the file of learned Assistant District and Sessions Judge, Arni(Sub Court, Arni) to the file of learned Additional District and Sessions Court, Arni and to try the case jointly alongwith S.C.No.158/2024 of learned Additional District and Sessions Court, Arni.

2) Brief averments of the petition are as follows:

The respondent /complainant herein had filed a final report as against the petitioners/ accused under section 147,148,447,294(b), 326,323,307 of IPC and the same is pending for trial before the learned Assistant Sessions Judge, Arni as S.C.No.27/2019 and the same is posted on 17.10.2025 for trial.

They have also filed a case as against the complainant and others as counter to this case and the same is pending before the Learned Additional District and Sessions Judge, Arani as SC.No. 158 of 2024 and the same is posted for trial

with respect to an offence under section 147, 148, 294(b), 324,326, r/w 149,307 r/w 109 of IPC before the Learned Additional District and Sessions Judge, Arani.

The accused in SC.No. 158 of 2024 are the injured witness in the counter case in SC.No. 27 of 2019. Like so, the accused in SC No.27 of 2019 are witness in SC.No. 158 of 2024, The date, time and place of mcident in both the case in one and the same.

As per the rules and procedure of the criminal trial the matter with respect of the case and the counter case are to be tried by one and the same Court, So as to come to the right conclusion by fixing the person who is the aggressor. Hence it becomes just and necessary in the interest of justice to withdraw the case in SC.No. 27 of 2019 from the file of learned Assistant District and Sessions Judge, Arani and may transfer to the file of the Learned Additional District and Sessions Judge, Arani so as to conduct both the case simultaneous granting opportunity to the petitioner/accused in both the case to explain the circumstances and to take right defence. Hence this application.

3. Brief averments of the counter:-

The petitioner one Gopal, age 67,s/o. Kannan, Ariyalam village, Arni Taluk was filed a writ petition of the Principal District and Sessions court. Tiruvannamalai district in view of transfer the Ami Sub Court under trial case in SC No. 27/2019, dated 29.01.2019 was requested to may fit for transfer to Additional District Judge court, Armi in connection with Petitioner/Accused involved case in

courter was already under trail in [SC.NO.158/2024](#) of the Hon'ble Additional District Court, Arni details below as follows.

In Arni Taluk Police Station Cr.No. 966/2010, u/s, 147, 148, 294(b) 323, 307 IPC case was charged on 20.01 2014 and under trial Ami Subordinate Court in SC.No. 27/2019, dated 29.01.2019, next hearing 13.02.2026.

In Arni Taluk Police Station Cr.No. 965/2010, u/s, 147, 148, 294(b) 324, 307 and 109 IPC case was charged on 15.11.2012 and under trial Arni Sub Court in SC.No. 27/2019, dated 29.01.2019. next hearing 04.03.2026, above two cases are case in counter for Petitioner/Accused.

The accused in SC No. 158/2024 are the injured, witness in the courter case in SC No. 27/2019 and the accused in SC.No. 27/2019 are witnesses in SC No. 158/2024, the date, time and place of incident in both the case in one and the same,

The Petitioner/Accused request to submit that as per the rules and procedure of the criminal trial the matter within respect of the case in counter are to be tried by one and the same court. So, as to come to the right conclusion by fixing the person who is the aggressor. Hence, t becomes just and necessary in the interest of justice to transfer in SC No. 27/2019 by the Hon'ble Sub Court, Arni to may transfer to the file of the Learned Hon'ble Additional District and Sessions Judge Court, Arni so as to conduct both the case simultaneous granting opportunity to the Petitioner/Accused in both the case to explain the circumstances and to take right defence.

The Petitioner/Accused therefore pray this Hon'ble Court to the case in SC No 27/2019 from the file of Learned Assistant District Session Judge Arni may ordered to transferring the said case and to try the case jointly along with SC.No. 158/2024 of the Learned Additional District and Sessions Court, Arni and pass such other order as this Hon'ble court may deem to fit in the circumstances of the case.

4) Point for consideration in this petition is that

Whether this Petition is to be allowed as sought for?

5) Point: The learned counsel appearing for the petitioners would contend that the petitioners herein have been charged for the commission of offence u/s 147,148,447,294(b), 326,323,307 of IPC on the basis of the FIR registered in Cr.No.966/2010. He would further contend that after the completion of investigation the police has filed a final report on the above case and the same has been taken cognizance by the **Assistant Session Judge, Arni** in S.C.No.27/2019. He would further contend that in the same occurrence since the petitioners also suffered injuries at the hands of the rival party, they lodged a complaint against them on which the FIR has been registered and the case also been taken on file by the **Additional District and Sessions Court, Arni** in S.C.No.158/2024. He would further contend that both cases are case in counter and in order to ensure fair trial and find guilty of the real aggressor , both the cases shall be tried simultaneously by the Additional District and Sessions Court, Arni. He would further contend that it is well settled law in

the event of the case in counter both cases have to be tried by one court, hence argued for allowing the petition.

6) Similarly, the learned Public Prosecutor would contend that the since both the offences are stemmed from the same occurrence, the case in counter has been registered by the respondent herein, hence he reported **no objection** to allow this application.

7) Heard. Perused the records.

8) Now the question to be answered herein is that whether this court can pass order of transferring the case in S.C.No.27/2019 pending before the Assistant Session Court, Arni to the Additional District and Sessions Court, Arni for parallel trial with the case in S.C.No.158/2024?

9) Having considered the facts and circumstances of this case and both the offences are stemmed from the same occurrence, both the cases are case in counter and in order to ensure fair trial and find guilty of the real aggressor, both the cases have to be tried by one court and also to avoid conflicting of decision and multiplicity of proceedings and also in the absence of any strong objection on the side of the respondent, this court deem appropriate to allow this petition as follows:

In fine, this Transfer Petition is allowed.

i) The S.C.No.27/2019 pending on the file of the Assistant Sessions Court, Arni (Sub Court, Arni) is ordered to be withdrawn and transferred to the file of Additional District and Sessions Court, Arni.

ii) The learned Assistant Sessions Judge, Arni is directed to transmit the case records to the Additional District and Sessions Court, Arni forthwith.

iii) The learned Additional District and Sessions Judge, Arni is hereby directed to try both the case in accordance with law that prescribed for trying the nature of case in counter.

iv) No costs.

This Order is dictated by me to the *Stenographer Grade-I* of this Court, typed by her directly in Computer, corrected and pronounced by me in open court, this the 08th day of April- 2026.

**Principal District & Sessions Judge,
Tiruvannamalai**

Copy to: The Additional District and Sessions Court, Arni
Copy to: The Assistant Session Court, Arni

ORDER

Ct.M.P.No.3389/2025

D.O.O: 08.04.2026.