

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-06-2015

CORAM:

THE HONOURABLE MR. JUSTICE P.DEVADASS

CrI.O.P.No.13629 of 2015

Tr.Y.R.Manoharan

.. Petitioner/Accused

vs.

State Represented by:

The Inspector of Police,
V&AC, Erode District
(Crime No.6/AC/2011/ER)

... Respondent/Complainant

Petition filed under Section 407 Cr.P.C., to withdraw the case in Special C.C.No.2 of 2014 pending on the file of the learned Chief Judicial Magistrate-cum-Special Judge for Vigilance Cases, Erode, transfer the same to the file of the Special Judge for Vigilance Cases, Coimbatore and dispose of the same within the time frame.

For Petitioner : Mr.S.Gunalan

For Respondent : Mr.P.Govindarajan,
Additional Public Prosecutor.

O R D E R

The accused seeks transfer of Special C.C.No.2 of 2014 from the Court of learned Special Judge/Chief Judicial Magistrate, Erode to the Court of learned Special Judge/Chief Judicial Magistrate, Coimbatore.

2. The petitioner has been booked under Prevention of Corruption Act, 1988. Final Report has been filed. Case ripe for trial. When it was in the Court of learned Special Judge, Coimbatore, there was direction by this Court prescribing a time limit of six months vide its order in CrI.O.P.No.28875 of 2013 dated 18.11.2013. Subsequently, on administrative grounds, the case has been transferred to the learned Special Judge/Chief Judicial Magistrate, Erode.

3. According to the learned counsel for the petitioner since the post of Special Judge/Chief Judicial Magistrate, Erode was vacant for nearly 5 months and a Judicial Magistrate is holding additional charge, he wants his case be sent back to its original Court viz., Special Judge, Coimbatore.

4. The learned Additional Public Prosecutor submits that progress have been shown in the Court of Special Judge, Erode.

5. Whatever directions issued by this Court to the Transferor Court (Special Judge, Coimbatore) necessarily will pass on to the Transferee Court (Special Judge, Erode).

6. The post of Special Judge, Erode has been held by the Chief Judicial Magistrate, Erode. The post of Chief Judicial Magistrate, Erode is vacant for a considerable period. Only a Judicial Magistrate is holding charge. He cannot try this case as he was not empowered to do so. So, this time limit case is pending without any progress in the Court of Chief Judicial Magistrate, Erode.

7. It is the submission of the learned counsel for the petitioner that now 'speedy trial' and 'speedy justice' have been construed as components of Article 21, Constitution of India. It has become a fundamental right of the accused. The corresponding obligation is primarily fixed on the Court. In this case, it could not be discharged because the post of Special Judge is not filled up. The case has become a part heard case. It is of the year 2013. Even then speedy trial and speedy justice is the right of the accused.

8. In the circumstances, we cannot transfer the case from one Court to another. But as and when the post of Chief Judicial Magistrate/Special Judge, Erode is filled up, the learned Judge will expeditiously try this time limit case and dispose it of according to law at the earliest.

9. With the said directions, this petition is disposed of.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Svn

Copy to:

- 1.The Registrar-General,
High Court,
Madras.
 - 2.The Principal Sessions Judge,
Erode.
 - 3.The Chief Judicial Magistrate-cum-
Special Judge for Vigilance cases, Erode.
 - 4.The Public Prosecutor,
High Court, Madras.
 - 5.The Inspector of Police,
Vigilance and Anti Corruption Unit,
Erode.
 - 6.The Section Officer,
'B' Section, High Court, Madras.
 - 7.The Section Officer,
Criminal Section,
High Court,
Madras.
 8. The Special Judge, for Vigilance Causes, Coimbatore.
- + 1 cc to Mr.S. Gunalan, Advocate Sr.29812
- + 1 cc to Public Prosecutor Sr.29902

Cr1.O.P.No.13629 of 2015

CTK(CO)
Eu 30.06.15

WEB COPY