

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.08.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.19793 of 2015

J.Sekar

... Petitioner

Vs

1.Pazhanidesigan
2.Mohammed Yusoof
3.Ramesh
4.Abdul Munaf
5.Mohammed Sabi
6.Srinivasan
7.Ramakrishnan

8.State rep by Inspector of Police,
District Crime Branch
[Anti-land Grabbing Special Cell]
Cuddalore,
Cuddalore District.

9.The Judicial Magistrate II,
Chidambaram,
Cuddalore District.

10.The Special Judicial Magistrate,
Anti-land Grabbing,
Cuddalore.

... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C.,
praying to direct the learned Special Judicial Magistrate, Anti-
land Grabbing, Cuddalore to dispose of CC.No.11 of 2014 within the
time that may be stipulated by this Hon'ble Court.

For Petitioner : Mr.K.Raja

For Respondents : Mr.C.Emalias, APP [for R8]

O R D E R

This petition has been filed to direct the learned Special
Judicial Magistrate, Anti-land Grabbing, Cuddalore to dispose of
CC.No.11 of 2014 within the stipulated time.

2. Heard the learned counsel for the petitioner; learned
Additional Public Prosecutor appearing for 8th respondent and
perused the materials placed on record.

3. On a complaint given by the petitioner, the respondent police registered a case in crime No.30 of 2012 and filed a Final Report before the learned Judicial Magistrate II, Chidambaram, Cuddalore District which was taken on file as CC.No.1 of 2013 for offences under Section 420, 423, 465 468, 471, 120[b] r/w Section 109 IPC. After the constitution of Special Court for trying land grabbing cases, the case in CC.No.1 of 2013 was transferred from the court of Judicial Magistrate II, Chidambaram to the Court of Judicial Magistrate, Anti-land Grabbing, Cuddalore in the year 2014 and the case was re-numbered as CC.No.11 of 2014.

4. It is common knowledge that the First Bench of this Court had set aside the Government Orders constituting Anti-land Grabbing Cell and Special Courts for Anti-land Grabbing Cases, challenging which, the State of Tamil Nadu has approached the Supreme Court. The Supreme Court while admitting the Special Leave Petition of the State has granted stay of all pending cases on the file of Anti-land Grabbing Courts. On account of the stay, the entire prosecution has come to a stand still. In the considered opinion of this Court, it will serve the interest of justice, if the case is once again re-transferred to the regular Court for trial.

5. In the result, this Court directs that the case in CC.No.11 of 2014 be transferred from the file of Special Judicial Magistrate, Anti-land Grabbing Court, Cuddalore to the file of the learned Judicial Magistrate II, Chidambaram, Cuddalore who shall proceed with the case in accordance with law. The learned Judicial Magistrate II, Chidambaram shall conduct the trial expeditiously, since the FIR in this case is of the year 2012.

With the above direction, this petition is closed.

Sd/-

Assistant Registrar

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

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To

- 1.The Inspector of Police, District Crime Branch [Anti-land Grabbing Special Cell] Cuddalore, Cuddalore District.
- 2.The Judicial Magistrate II, Chidambaram, Cuddalore District.
- 3.The Special Judicial Magistrate, Anti-land Grabbing, Cuddalore.
- 4.The Public Prosecutor, High Court, Madras.

+1cc to Mr.K. Raja, Advocate, S.R.No.40585

NM(CO)

EU(18/08/2015)

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