

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-06-2015

CORAM:

THE HONOURABLE MR. JUSTICE P.DEVADASS

Cr1.O.P.No.8443 of 2015

and

M.P.No.1 of 2015

- 1.Magapu Subba Rao
- 2.Chode Ramakrishna
- 3.Konda Venkataratname
- 4.Dukkipati Satyanarayan
- 5.Duvva Sesa Babji
- 6.Badugu Balram
- 7.A.V.V.Sathyanarayana @ Wilson
- 8.Kada Pavan Prasad
- 9.Chitturi Rajesh
- 10.Dasari Ganeswara Rao
- 11.Guttala Veera Bhadhra Rao
- 12.Medisetty Veera Arjuna Rao
- 13.Nandikolla Ganga Raju
- 14.Nimmana Surya Babu
- 15.Sreepadam Thammeswara Rao
- 16.Kanderi Sridhar
- 17.Sadanala Dura Prasad
- 18.Nookala Srinivasa Rao
- 19.Bonda Surya Bhawan
- 20.Geddam George Victor Babu
- 21.Melakala Suryanarayana
- 22.Podugu Gopalkrishna
- 23.Raya Suryaprasad
- 24.Geddam Radhakrishna
- 25.Katakam Sanjeeva Rao
- 26.Samana Ganga Prasad
- 27.Takumudu Veera V.C.Sekar
- 28.Chinta Naga Vara Prasad
- 29.Adabala Samba Siva Rao
- 30.Kamidi Rambabyu
- 31.Dhulipudi Madhava Venkatta
- 32.Gola Koti Srinivasa Rao
- 33.Kommana Nageshwara Rao
- 34.Pesala Veera Venkatesh
- 35.Malakala Venkatramana
- 36.Gude Durga Prasad
- 37.Khandavalli Ram Babu
- 38.Koppanadi Udaya Bhaskar
- 39.Pillai Appa Rao
- 40.Salla V.Bashveswara Rao

41.Uchula Ram Babu
42.Sunkara Karteek
43.Chintakula Lova Raju
44.Pachamala Kishore Babu
45.Kodi Chinna Rao
46.Gudala Satyanarayana
47.Khaki Nageswara Rao
48.Mandapak Satyanarayana
49.Yandamuri Hanumatha Rao
50.Chaganti Venkata Subramanyam
51.Kameddi Appa Rao
52.Adivi Naga Venkata Kodanda Ramu
53.Jagadam Srinu
54.Duvvada Venkata Rao
55.Kalla Jaya Raju
56.Peddy Reddy Eswara Rao
57.Medisetty Durga Rao
58.Koppula Satti Raj
59.Rudra Subhramanyam
60.Jillela Srinivas J.Manikyam
61.Pachimala Vijayakumar
62.Chappidi Srikanth
63.Anem Sreenu Babu
64.Kollu Srinivas
65.Yerragunta Suriyanarayana
66.Chintapalli Appa Rao
67.Tilapudi Srinivas
68.Ruthala Suryanarayana
69.Yella Raju
70.Vasamsetty Rama Krishna
71.Thanink Durgayya
72.Pendam Veerababu
73.Maganti Ravi
74.Pasupulati Venkata Shivaji
75.Pennanda Sathish
76.Saladi Udhy Bhaskar Rao
77.Vasamshetty Srinivas
78.Pampana Nageswara Rao
79.Uisha Srinivasa Rao
80.Samanasa Veerababu
81.Vangalapudi Vasantha Kumar
82.Gadi V.V.S. Subramaneswara Sarma
83.Vaddi Srinivasa Murthy
84.Kondamuri Shri Hari

... Petitioners

vs.

State Represented by
Inspector of Police,
CBI, SCB, Chennai.

... Respondent

Petition filed under Section 482 Cr.P.C., to set aside the order passed in Crl.M.P.No.1672 of 2014 in C.C.No.35 of 2014 on the file of the Chief Judicial Magistrate, Puducherry dated 30.1.2015 to transfer the case from Puducherry to Yanam.

For Petitioners : Mr.S.Doraisamy

For Respondent : Mr.K.Srinivasan,
Special Public Prosecutor
for CBI Cases.

O R D E R

This petition under Section 482 Cr.P.C. has been filed by the accused to set aside the order of the learned Chief Judicial Magistrate, Puducherry passed in Crl.M.P.No.1672 of 2014 in C.C.No.35 of 2014 which has been filed to constitute a Camp Court at Yanam to try the said Calender Case.

2. Totally 84 persons are being prosecuted in the said case before the said Court. Prosecution is being conducted by the Special Crime Branch of CBI, Chennai. This case is concerned with certain alleged occurrence which took place in the Yanam.

3. Certain parts of the Union Territory of Puducherry spreads into three states viz., (i) Tamil Nadu, (ii) Andhra Pradesh and (iii) Kerala. The scene of occurrence situate in the Yanam bordering State of Andhra Pradesh. Between Yanam and Puducherry, it is 920 kilometers.

4. According to the learned counsel for the petitioners that the petitioners are poor and they have to travel 980 kilometers to come to Puducherry to attend in this case. In the circumstances, in the interest of justice, the impugned order of the learned Chief Judicial Magistrate, Puducherry may be set aside and a direction may be issued to conduct a Camp Court at Yanam to try this Calendar Case.

5. The learned Special Public Prosecutor for CBI Cases submitted that CBI Courts have been constituted in certain specified places in the State of Tamil Nadu and in the Union Territory of Puducherry. In the Union Territory of Puducherry, the Principal Judge, Puducherry deals with Sessions Cases and certain other categories of cases of CBI. The learned Chief Judicial Magistrate, Puducherry is also a designated Court for CBI Cases. In Yanam, there is no such designated Court.

6. I have anxiously considered the rival submissions and perused the impugned order of the Trial Court.

7. Constitution of a Camp Court is a matter relating to administrative side of the High Court. It is not connected with transfer of a case. Section 482 Cr.P.C. conferring inherent jurisdiction also enables the Court to pass orders in the interest of justice. But in exercising such jurisdiction power, this Court cannot overstep certain specific provisions nor it can deal with administrative matters.

8. Now in this case, there are 84 accused. They have to come all the way from Yanam to Puducherry covering 980 kilometers. Even the Trial Court has taken note of this and gave them liberty to file petition under Section 205 Cr.P.C.

9. In the circumstances, petitioners will file a petition under Section 205 Cr.P.C. before the Trial Court and the Trial Court will liberally consider the petition and dispense with the personal appearance of the petitioners and it can direct them to appear for effective hearings.

10. Accordingly, this criminal original petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Svn

Copy to:

1. The Principal Judge,
Puducherry.
2. The Chief Judicial Magistrate,
Puducherry.
3. The Inspector of Police,
CBI/SCB/Chennai.
4. The Special Public Prosecutor for CBI Cases,
High Court, Madras.

+1cc to Mr.S.Doraisamy, Advocate, S.R.No.26214

Cr1.OP 8443 of 2015

ACA(CO)
CA(12/06/2015)