

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.07.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.9976 of 2015

1.N.Kumari

2.N.Suresh Kumar

.... Petitioners/Accused 1&2

Vs

The Sub Inspector of Police,  
Central Crime Branch, Team V,  
Egmore, Chennai-8.

.... Respondent/Complainant.

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the Metropolitan Magistrate, Special Court for Land grabbing cases -II, Periamet, Chennai-3 to dispose the calendar case No.40 of 2013 on the file of the said Special Court within a time frame.

For Petitioners : Mr.P.Selvaraj

For Respondent : Mr.C.Emalias, Addl. Public Prosecutor

O R D E R

This petition has been filed to direct the learned Metropolitan Magistrate, Special Court for Land grabbing cases -II, Periamet, Chennai-3 to dispose the C.C.No.40 of 2013 within a time frame.

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

3. On a complaint lodged by the petitioner/defacto complainant, the respondent police registered a case in Crime No.799 of 2001 for the offences under Section 465, 467, 468, 471, 420 read with Section 34 IPC and after completing the investigation, the respondent police filed a Final Report, which was taken on file as C.C.No.14756 of 2006 before the learned III Metropolitan Magistrate, George Town, Chennai.

4. The prosecution examined 14 witnesses out of 20 witnesses and at that time, on the orders of the learned Chief Metropolitan Magistrate, this case was transferred from the file of the learned III Metropolitan Magistrate, George Town to the learned XX Metropolitan Magistrate, Special Court for Exclusive Trial of Land

Grabbing Cases.

5. The constitution of Land Grabbing Court was challenged in a batch of Writ Petitions before this Court and on account of the stay orders passed by this Court, the Trial Court proceedings came to a stand still. The Government Orders constituting the Special Court for Land Grabbing Cases was quashed by the Hon'ble First Court, aggrieved by which, the State has approached the Hon'ble Supreme Court. The Hon'ble Supreme Court while admitting the SLP, has stated that the investigation may go, but the trial should not proceed.

6. It is seen that the allegations in this case has nothing to do with land grabbing offences. A reading of the Final Report shows that the allegations are financial irregularities and in the opinion of this Court, this case has been wrongly transferred from the file of the learned III Metropolitan Magistrate, George Town to the Land Grabbing Court.

7. Under such circumstances, this Court orders the transfer of CC.No.40 of 2013 pending on the file of the learned XX Metropolitan Magistrate, Special Court for Exclusive Trial of Land Grabbing Cases, Periamet, Chennai to the learned III Metropolitan Magistrate, George Town, Chennai. The learned XX Metropolitan Magistrate, Special Court for Exclusive Trial of Land Grabbing Cases is directed to transmit the records, within one week, from the date of receipt of a copy of this order. The III Metropolitan Magistrate, George Town is directed to complete the trial expeditiously.

8. With the above direction, this Criminal Original Petition is closed.

gya

s/d-

Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

To

- 1.The Sub Inspector of Police,  
Central Crime Branch, Team V,  
Egmore, Chennai-8.
- 2.The XX Metropolitan Magistrate,  
Special Court for Exclusive Trial of Land Grabbing Cases,  
Periamet, Chennai-3.
- 3.The III Metropolitan Magistrate,  
George Town, Chennai.

4. -do- thro'The Chief Metropolitan Magistrate,  
Egmore, Chennai.

5. The Public Prosecutor,  
High Court, Madras.

+ 1 cc to Mr.P.Selvaraj, Advocate SR 34262

kji(co)  
prk15/7

CRL.OP.No.9976 of 2015



WEB COPY