



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.04.2015

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

Cr1.O.P. (MD)No.5908 of 2015

Mohammed Idrees

... Petitioner

Vs.

1.Saminathan

2.M.N.Venkadesan

3.R.Meenatchisundaram

4.R.Ragavan

5.M.Ravichandran

6.S.Selvaraj

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure to pass an order of direction, directing the learned Judicial Magistrate No.II, Trichy to transfer the case in C.C.No.246 of 2013 to the Court of the Special Judge for Prevention of Corruption Act, Trichy after rectifying the defects mentioned by the Special Judge and Consequently direct the Special Judge for Prevention of Corruption Act, Trichy to take the case on its file and proceed with the same.

For Petitioner : Mr.M.Suri

For Respondents : No appearance

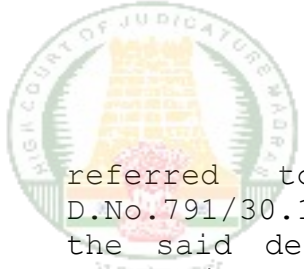
O R D E R

This Criminal Original Petition is filed for a direction to the learned Judicial Magistrate No.II, Trichy to transfer the case in C.C.No.246 of 2013 to the Court of the Special Judge for Prevention of Corruption Act, Trichy, after rectifying the defects mentioned by the Special Judge and Consequently direct the Special Judge for Prevention of Corruption Act, Trichy to take the case on its file and proceed with the same.

2. The petitioner is the complainant in C.C.No.246 of 2013 on the file of the Judicial Magistrate No.II, Trichy. The said complaint was transferred to the Special Judge for Prevention of Corruption Act, Trichy. Thereafter, the petitioner filed Cr.M.P.No.436 of 2014 seeking to call for the records from the file of Judicial Magistrate No.II, Trichy for continuation of enquiry proceeding under Section 326 of Cr.P.C. The petition filed was dismissed on the ground that the case record was returned to the Judicial Magistrate No.II, Trichy and they have not been rectified the said defects.

<https://hcservices.ecourts.gov.in/hcservices/>

3. The learned counsel for the petitioner submitted that for the fault of the Court a litigant cannot suffer. If it is true that the case



referred to the Judicial Magistrate No.II, Trichirapally Vide D.No.791/30.10.2014, a duty is enjoined on the said Court to comply with the said defects and send it to the Special Judge for Prevention of Corruption Act at the earliest point of time. Unfortunately, this has not been done so. Thus, a direction issued to the Judicial Magistrate No.II, Trichy to comply with the defects as pointed out by the Special Judge for Prevention of Corruption Act, Trichy in C.C.No.246 of 2013 and send the same within a period of eight weeks from the date of receipt of a copy of this order.

With the above direction, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.II, Trichy.
2. -DO-THRO' The Chief Judicial Magistrate, Trichy.
- 3.The Special Judge for Prevention of Corruption Act, Trichy.

+1cc to Mr.M.SURI, Advocate, in SR. No. 17194

TS/05.05.2015/2P-5C

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