

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.14086 of 2016

P.Krishnan

.. Petitioner

Vs

State Represented by
The Sub-Inspector of Police,
Central Crime Branch,
Egmore, Chennai.

.. Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C. to transfer the C.C.No.64 of 2013 pending on the file of the Special Metropolitan Magistrate, Special Court for exclusive Land Grabbing Cases-II, Chennai to any of the Metropolitan Magistrate Court in Egmore, Chennai.

For Petitioner : Mr.D.T.Janardhanon

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

ORDER

This Criminal Original Petition has been filed to transfer C.C.No.64 of 2013 pending on the file of the Special Metropolitan Magistrate, Special Court for exclusive Land Grabbing Cases-II, Chennai, to any of the Metropolitan Magistrate Court in Egmore, Chennai.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

3. On the complaint lodged by the Tahsildar, Mylapore, the respondent police registered a case in Crime No.418 of 2005 and after completing the investigation has filed a final report in C.C.No.64 of 2013 against B.Krishnan (A1), Srimathi (A2), Jeevan (A3) and M.V.B.Chowdry (A4), for the offences under Section 120(B), 465, 468, 471, 420 and 473 IPC. The allegation in the final report is that the accused had illegally created false documents for the purpose of land grabbing.

4. It is a common knowledge that the Hon'ble Supreme Court of India has stayed all the trials before the Special Court for Land Grabbing Cases in Tamil Nadu on the question of constitution of Court itself. On account of the stay granted by the Apex Court, the cases that are pending on the file of the Special Court for Land Grabbing have come to a stand still.

5. Under such circumstances, Krishnan (A1) has filed the present petition for transfer of his case from the file of the Special Court for Land Grabbing Act cases to a regular Court, so that the trial can proceed expeditiously. Krishnan (A1) has also filed the supporting affidavit of Srimathy (A2) and Jeevan (A3), who have stated that they have no objection in the case being transferred to the regular Court. It is seen that M.V.B.Chowdry (A4) is absconding. The respondent police also have no objection in transfer of the case.

6. In view of the above, the case in C.C.NO.64 of 2013 pending on the file of the Special Metropolitan Magistrate-II, Special Court for Exclusive Trial of Land Grabbing Cases, Periamet, Chennai, is transferred to the file of the X Metropolitan Magistrate, Egmore, Chennai. The learned Special Metropolitan Magistrate-II, Special Court for Exclusive Trial of Land Grabbing Cases-II, Periamet, Chennai, is directed to transfer the entire records in C.C.No.64 of 2013 to the file of the X Metropolitan Magistrate, Egmore, Chennai, for disposal in accordance with law.

In the result, this petition is allowed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

kmi/ds

To

1.The Sub-Inspector of Police,
Central Crime Branch,
Egmore, Chennai.

2.The Special Metropolitan Magistrate Court
exclusive for Land Grabbing Cases-II,
Periamet, Chennai.

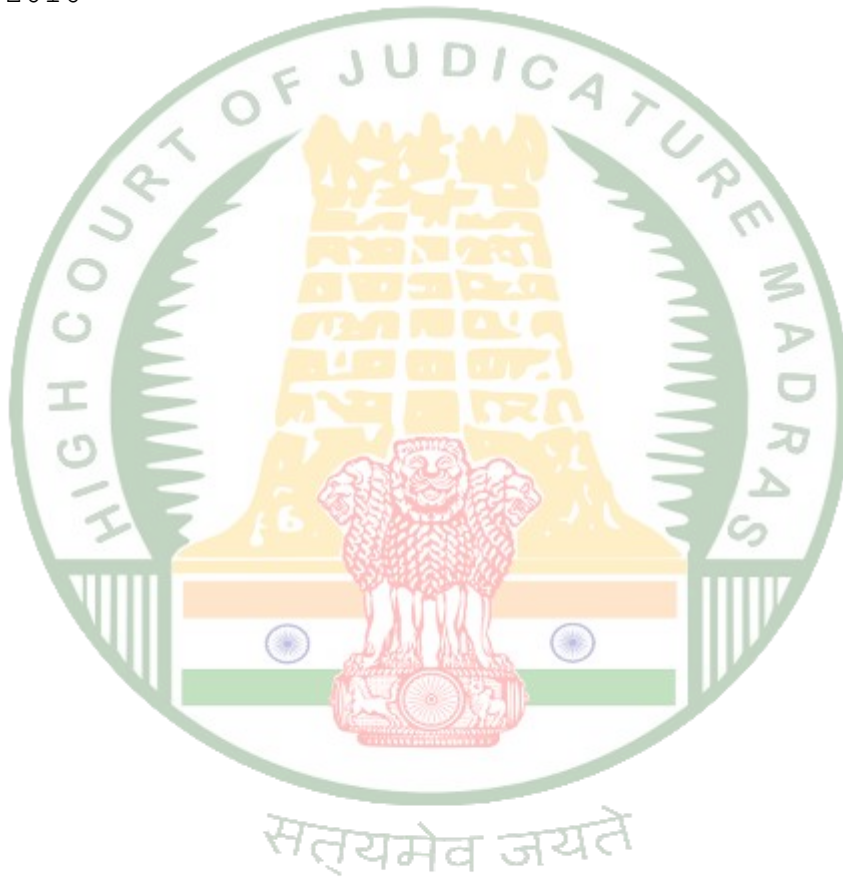
3.The X Metropolitan Magistrate Court,
Egmore, Chennai.

4.The Public Prosecutor
High Court, Chennai.

1 cc to Mr.D.T.Janardhanan, Advocate, sr.45833

Cr1.OP No.14086 of 2016

ak co
kra 02.09.2016



WEB COPY