

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.09.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.OP.No.20130 of 2016
and MP.No.9791 of 2016

A.R.Vinod Kumar

... Petitioner

Vs

The Sub-Inspector of Police
Central Crime Branch - Team XIX
No.132, Commissioner Office Building,
EVK Sampath Road,
Vepery, Chennai 600 007.

... Respondent

Criminal Original Petition filed under Section 407 of Cr.P.C., praying to transfer the trial in C.C.No.5123 of 2010 that was subsequently renumbered as C.C.No.50 of 2013, pending on the file of the XIX CCB Court, Chennai to the file of the III Metropolitan Magistrate, George Town, Chennai.

For Petitioner : Mr.R.Gopinath

For Respondent : Mr.C.Emalias, APP

O R D E R

This petition has been filed to transfer the trial in C.C.No.5123 of 2010 that was subsequently renumbered as C.C.No.50 of 2013, pending on the file of the XIX CCB Court, Chennai to the file of the III Metropolitan Magistrate, George Town, 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 petitioner, the respondent police have registered a case in Crime No.746 of 2008 and filed a final report in CC.No.5123 of 2010 before the III Metropolitan Magistrate, George Town, Chennai against nine accused for offences u/s 465, 467, 468 r/w. 471 & 109 & 120(b) & 420 of IPC in CC No.5123 of 2010. During the pendency of the case before the III Metropolitan Magistrate, the Government of Tamil Nadu

established Special Courts (Magistrate Level) for land grabbing cases, pursuant to which CC.No:5123 of 2010 was transferred to the said Court and renumbered as CC.No:50 of 2013.

4. A challenge was made to the notification issued by the Government constituting Special Courts, which was upheld by the First Bench of this Court. The State has taken the matter on appeal before the Apex Court and the Apex Court has directed stay of all further proceedings before the Special Courts, unless further orders. On account of the stay granted by the Supreme Court, all the cases that are pending before the Special Courts for land grabbing cases are in a stand still.

5. It is seen that the FIR in this case was registered in the year 2008 and the final report was filed before the Judicial Magistrate in the year 2010 and the case was transferred to the Special Magistrate in the year 2013, and till today, no progress has taken place. This will cause prejudice to both the victims and the accused, as both of them will lose their valuable evidence in the mean time.

6. Under such circumstances, this Court directs the Metropolitan Magistrate, Special Court for Land Grabbing-II, Periamet, Chennai to transfer the entire case records CC.No.50 of 2013 (old C.C.No.5123 of 2010) to the file of the III Metropolitan Magistrate, George Town, Chennai within a period of four weeks from the date of receipt of a copy of this order. The accused shall be bound over and directed to appear before the III Metropolitan Magistrate. The III Metropolitan Magistrate is directed to take the case on file and proceed with the case expeditiously in accordance with law. This petition is closed.

7. With the above direction, this petition is closed. consequently Miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CS II)

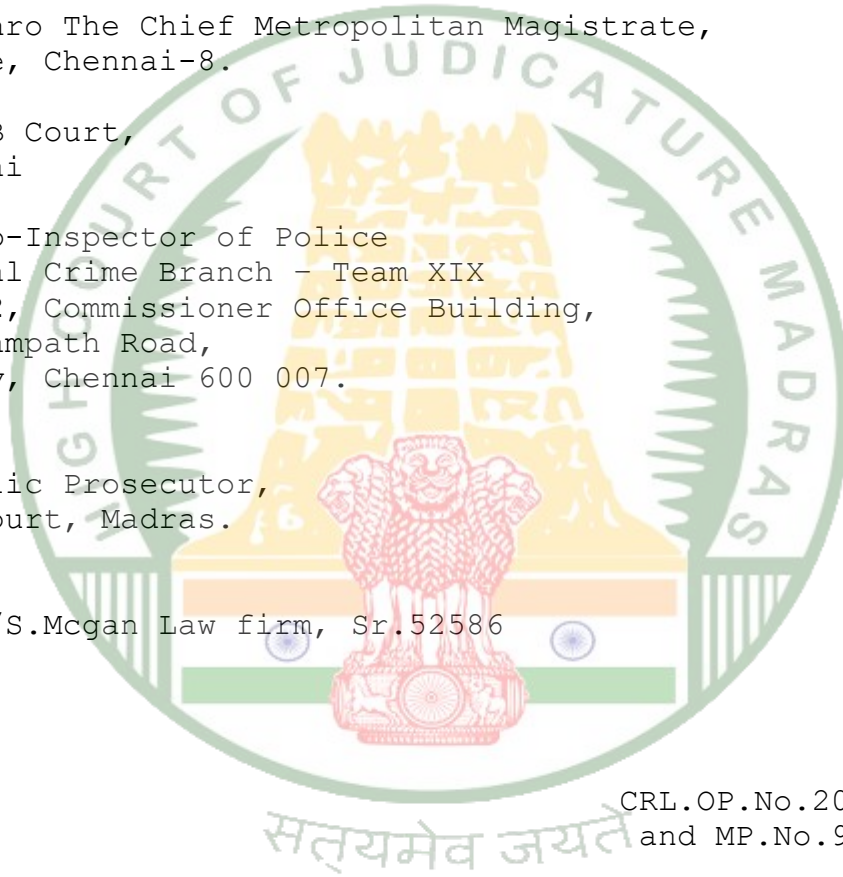
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Sub Assistant Registrar

To

1. The Metropolitan Magistrate,
Special Court for Land Grabbing - II,
Periamet,
Chennai
2. The III Metropolitan Magistrate,
George Town, Chennai.
3. -Do- Thro The Chief Metropolitan Magistrate,
Egmore, Chennai-8.
4. XIX CCB Court,
Chennai
5. The Sub-Inspector of Police
Central Crime Branch - Team XIX
No.132, Commissioner Office Building,
EVK Sampath Road,
Vepery, Chennai 600 007.
6. The Public Prosecutor,
High Court, Madras.

+1cc to M/S.Mcgan Law firm, Sr.52586



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srg 13/10/2016

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