

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P. No.23446 of 2016 and Crl.M.P. No.10970 of 2016

1 Anbu @ Anburaj
2 Anbalagan
3 Dhavamani

Petitioners

vs.

1 The Deputy Superintendent of Police
Villupuram
2 The Inspector of Police
All Women Police Station
Kallakurichi
Villupuram District
Crime No.24 of 2013

Respondents

Criminal Original Petition filed under Section 482, Cr.P.C. seeking to transfer the case in S.C. No.76 of 2016 on the file of the Fast Track Court [Special Judge for SC & ST (Prevention of Atrocities) Act, 1989], Villupuram to Mahila Court, Villupuram.

For petitioners Mr. C. Munusamy
For respondents Mr. C. Emalias
Addl. Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to transfer the case in S.C. No.76 of 2016 on the file of the Fast Track Court [Special Judge for SC & ST (Prevention of Atrocities) Act, 1989], Villupuram to Mahila Court, Villupuram.

2. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the State.

3. The petitioners are facing prosecution before the Special Court under SC/ST Act, [Fast Track Court], Villupuram for offences under Sections 294(b), 506(i), 417, 376 IPC r/w 3 (1)(x), 3(1)(xi), 3(2)(v) of SC/ST (PoA) Act, 1989. The petitioners filed an application u/s 408(1) IPC before the

Principal Sessions Judge for transferring the case from the Special Court for SC/ST Act cases to the Mahila Court, which was returned by the learned Judge on 04.10.2016, by passing the following docket order:

"Heard. Petitioner counsel & P.P.
This Court has no power to entertain this petition to transfer the case from Spl.Court of S.C. & ST to Mahila Court. Hence returned."

Challenging the aforesaid order, the accused are before this Court.

4. Mr.C.Munusamy, learned counsel for the petitioners contended that Mahila Court has been constituted for trial of offences against women and therefore, it will be in the fitness of things, if the case is transferred to the said Court.

5. In the considered opinion of this Court, this argument is not legally sustainable. Mahila Court is not a special Court, but a Sessions Court constituted for expeditious trial of cases relating to women. Except for offence under POCSO Act, the Mahila Court does not have the original jurisdiction. The cases that are committed to the Court of the Principal Sessions Judge, will be made over to the Mahila Court, if it is found that the victim is a woman, whereas, a Court constituted under the SC/ST Act, is a Special Court u/s 14 of the said Act. Hence, the case cannot be transferred or made over to the Mahila Court, ignoring the mandates of Section 14 of the SC/ST Act.

In the result, the petition is dismissed as devoid of merits. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

gms

To

1 The Deputy Superintendent of Police,Villupuram.

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2 The Inspector of Police
All Women Police Station
Kallakurichi, Villupuram District

3 The Fast Track Judge
[Special Judge for SC & ST
(Prevention of Atrocities) Act, 1989]
Villupuram

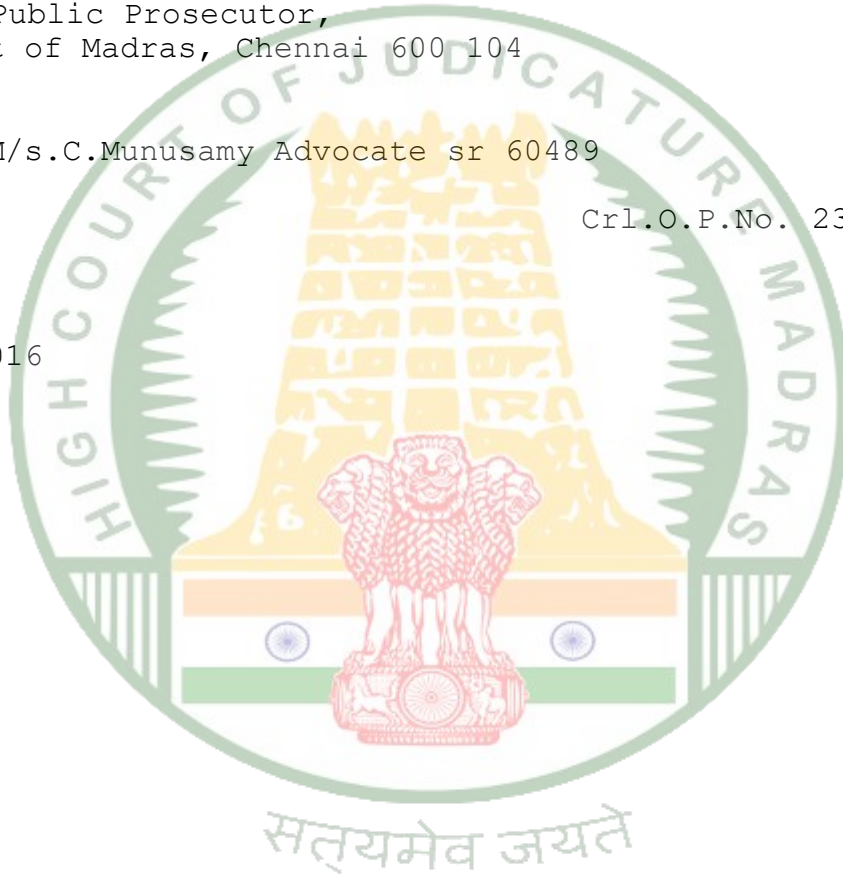
4 The Mahila Judge,Villupuram

5 The Public Prosecutor,
High Court of Madras, Chennai 600 104

+1 cc to M/s.C.Munusamy Advocate sr 60489

Crl.O.P.No. 23446 of 2016

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