

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2016

C O R A M

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Cr1.O.P.No.25850 of 2016

A.Devarasu

...Petitioner

Vs.

1. The State Rep. By
The Inspector of Police,
DCB/Anti Land Grabbing Special Wing,
Cuddalore, Cuddalore District.
 2. Sundarambal
 3. Vigneswaran
- ... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C to transfer the case in C.C.No.12 of 2014 pending on the file of the Learned Special Court for Land Grabbing Cases, Cuddalore to any other court and consequently issue direction to dispose of the same as early as possible, preferably within a period of 3 months.

For Petitioner : Mr.G.Pugazhenth
For R1 : Mr.C.Emalias
Additional Public Prosecutor

O R D E R

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

2. On the complaint lodged by the petitioner, the first respondent police registered a case in Cr.No.28 of 2012 for the offences u/s 120(b), 420, 423, 465, 468 and 471 IPC and after completing the investigation, filed a final report in C.C.No.12 of 2014 before the Special Court for Land Grabbing Cases, Cuddalore.

3. The petitioner/de facto complainant is before this Court for transfer of the case from the file of the Special Court for Land Grabbing Cases, Cuddalore to any other Court on the ground that there has not been any progress in the trial.

4. It is common knowledge that the Supreme Court has stayed

all proceedings that are pending on the file of the Special Court for Land Grabbing Cases and therefore the said Court cannot proceed with the trial.

5. Under such circumstances, this Court is of the view that it will be in the interest of justice, if the case is transferred to the regular jurisdictional Magistrate Court.

6. Accordingly, this petition is allowed and the case in C.C.No.12 of 2014 is transferred from the file of the Special Court for Land Grabbing Cases, Cuddalore to the file of the Judicial Magistrate, Parangipettai, who is said to be the jurisdictional Magistrate. The Special Court for Land Grabbing Cases, Cuddalore, is directed to transfer the records in C.C.No.12 of 2014 to the file of the jurisdictional Judicial Magistrate, Parangipettai. On receipt of the records, the Judicial Magistrate, Parangipettai, is further directed to proceed with the case in accordance with the law. If the accused are appearing before the Special Court, then the Special Court shall obtain a Muchalika from the accused to appear on a particular date before the Judicial Magistrate, Parangipettai.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

सत्यमेव जयते

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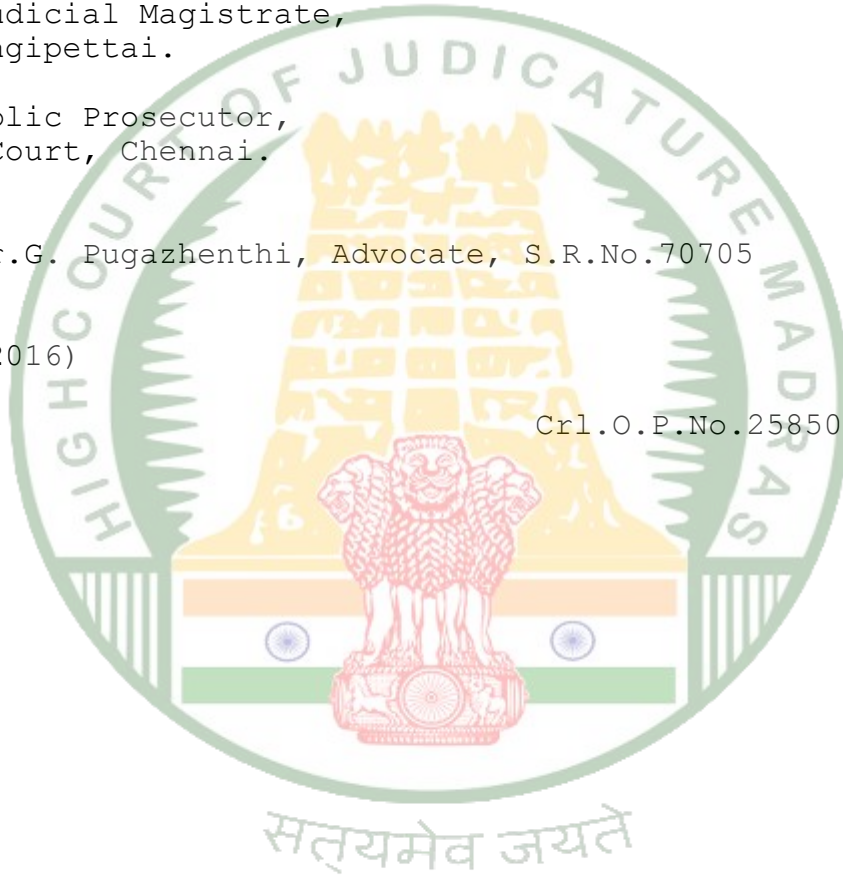
To

1. The Inspector of Police,
DCB/Anti Land Grabbing Special Wing,
Cuddalore, Cuddalore District.
2. The Judicial Magistrate,
Special Court for Land Grabbing Cases,
Cuddalore.
3. The Judicial Magistrate,
Parangipettai.
4. The Public Prosecutor,
High Court, Chennai.

+lcc to Mr.G. Pugazhenthii, Advocate, S.R.No.70705

rk(CO)
md(29/12/2016)

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