



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Tuesday, the Twelfth day of April Two Thousand Sixteen
PRESENT
The Hon`ble Mr Justice P.N.PRAKASH

Crl.M.P.(MD) Nos.3126 to 3128 of 2016
IN
CRL MP(MD)SR Nos.1970,1967 & 1968 of 2016
IN
Crl.O.P.(MD)Nos. 14784, 14782 and 14783 of 2015

- 1 THE STATE REP.BY
THE DEPUTY SUPERINTENDENT OF POLICE,
ANTI-LAND GRABBING SPECIAL CELL,
MADURAI DISTRICT
... PETITIONER IN CRL.M.P(MD)Nos.3126 & 3127/2016
 - 2 THE STATE REP.BY
THE INSPECTOR OF POLICE,
VIRUDHUNAGAR RURAL POLICE STATION(CRIME),
VIRUDHUNAGAR DISTRICT,
ON OTHER DUTY AT DCB,MADURAI.
... PETITIONER IN CRL.M.P(MD)No.3128/2016
- Vs
- THE JUDICIAL MAGISTRATE,
MELUR, MADURAI DISTRICT ... RESPONDENT IN ALL CRL.M.Ps.

These Petitions praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to modify the orders dated 24.3.2016 in Crl.O.P.(MD). No.14784 of 2015, in Crl.M.P.(MD).SR.No.1970 of 2016, and CRL OP(MD) No.14782/2015 in CRL.M.P(MD)SR.No.1967/2016 and CRL.OP(MD) No.14783/2015 and CRL.M.P(MD)SR No.1968/2016 respectively, so far as concerned with the 98 final report instead of 3 final report wherever appears on the orders.

PRAYER IN CRL.O.P.(MD)NOS.14782,14783 AND 17484 OF 2015:

These Criminal Original Petitions filed under Section 482 and 483 of the Code of Criminal Procedure, praying to direct the learned Judicial Magistrate, Melur to take cognizance of the offences in respect of the final report filed by the Investigation Officer in Crime Nos.365 of 2013, 409/2012 and 166/2012, respectively, and commit the case to Court of Sessions in accordance with law.

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

Order : These petitions coming on for orders upon perusing the petition filed in support thereof in the presence of Mr.C.MAYIL VAHANA RAJENDRAN, ADDL.PUBLIC PROSECUTOR appearing on behalf of all



the petitioners herein and in pursuance to the order of this Court dated 24.03.2016 made in CrI.M.P. Sr No.1967,1968 & 1970/2016 the court made the following order:-

In the final orders passed by this Court on 24.03.2016, in paragraph No.18, it is stated as follows:

WEB COPY

"18. During the course of the arguments, learned Public Prosecutor submitted that 98 such final reports are pending before the learned Judicial Magistrate, Melur, and that, if he takes cognizance only for the offence under Section 379 IPC in all the cases, the prosecution will have to come up with 98 petitions under Section 482 CrI.P.C. before this Court. In the light of this submission, on 10.3.2016 this Court passed the following Order:

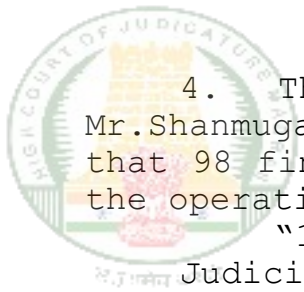
"2. Learned Public Prosecutor further submitted that if the learned Magistrate takes cognizance only for the offence under Section 379 IPC in the 98 pending cases, much prejudice would be caused to the prosecution inasmuch as they will have to come to this Court with 98 petitions under Section 482 Cr.P.C., challenging the orders.

3. There is sufficient force in the submission made by the learned Public Prosecutor. Therefore, this Court directs the learned Judicial Magistrate, Melur, not to pass any orders in the final reports, relating to illegal quarrying that are pending on his file, until final orders are passed by this Court in these petitions."

2. After the final orders were passed, the respondent police have now filed the present applications for modification of Paragraph No.18 on the ground that though 98 FIRs were registered, yet, only 3 final reports were filed before the Judicial Magistrate, Melur, but, inadvertently, it was represented by Mr. Shanmugavelayutham, the learned Public Prosecutor for the State that 98 final reports have been filed.

3. Mr. A. Thangavelu, Deputy Superintendent of Police, Anti Land Grabbing Cell, has filed an affidavit dated 01.04.2016, wherein, in paragraph No.5, it is stated as follows:

"5. It is submitted that during the course of argument, on instructions of the Spl. Public Prosecutor of illicit quarrying cases namely Tmt. R. Sheela and Tr. K. C. A. D. Gnanagiri, the learned Public Prosecutor represented before this Hon'ble Court that 98 Final reports are pending before the learned Judicial Magistrate, Melur, instead of three cases of illicit quarrying are i) Othakadai P.S. Cr. No. 409/2012. ii) Othakadai P.S. Cr. No. 365/2013 and iii) Keelavalavu P.S. Cr. No. 166/2012. Ends of justice therefore requires that this Hon'ble Court may be pleased to modify the order dated 24.03.2016 passed in CrI.O.P. (MD) No. 14784 of 2015 failing which, I will be put to serious prejudice and hardships."



4. Though I have referred to the representation of Mr. Shanmugavelayutham, the learned Public Prosecutor for the State, that 98 final reports are pending, yet in Paragraph No.19, which is the operative portion of the order, I have stated as follows:

"19. In the above circumstances, the learned Judicial Magistrate, Melur is directed to take cognizance of all the offences disclosed in the final report in all the cases relating to illegal quarrying that are pending before him and commit the cases to the Court of Sessions, where sessions offences are disclosed."

5. That apart, this Court was concerned only with the three final reports, which were the subject matter in those Criminal Original Petitions. The representation of the learned Public Prosecutor that there are 98 final reports has not in any way influenced the final decision of this Court, as could be seen in Paragraph No.19 above.

6. In view of the above, there need not be any modification to the order dated 24.03.2016 as prayed for by the prosecution. It would suffice, if this order is read as part and parcel of the order dated 24.03.2016.

7. With the above observations, these petitions are closed.

Sd/-

Assistant Registrar(CO.Dept.I/C)

/True copy/

Sub Assistant Registrar
Madurai Bench of Madras High Court,
Madurai.

TO

- 1 THE DEPUTY SUPERINTENDENT OF POLICE
ANTI LAND GRABBING SPECIAL CELL, MADURAI.
- 2 THE INSPECTOR OF POLICE
VIRUDHUNAGAR RURAL POLICE STATION(CRIME),
VIRUDHUNAGAR DISTRICT, ON OTHER DUTY AT DCB, MADURAI DISTRICT.
- 3 THE JUDICIAL MAGISTRATE, MELUR, MADURAI DISTRICT.
- 4 DO THRO' THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
- 5 THE PRINCIPAL DISTRICT JUDGE, MADURAI.
- 6 THE ADDL. PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

Order date:12.04.2016

ORDER

Crl.M.P. (MD) Nos.3126 to 3128 of 2016
IN

CRL MP (MD) SR Nos.1970,1967 & 1968 of 2016
in

Crl.O.P. (MD) Nos. 14784, 14782 and 14783 of 2015

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

Giving directions as stated within etc.
RG.JGB-DP/AR-I 27.04.2016 3P.7C