



C BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.03.2017

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL OP(MD).No.3473 of 2017

A.Balamurugan

...Petitioner

Vs.

State by:

Inspector Police(Land Grabbing Cell),
District Crime Branch,
Madurai.

[Crime No:23/2012]

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Constitution of India, to direct the Learned Special Court for exclusive Trial of Land Grabbing Cases, Madurai, for expeditious disposal of the case in C.C.No:24/2014, within a prescribed time.

For Petitioner

: Mr.G.Rajan

For Respondents

: Mr.A.P.Balasubramani

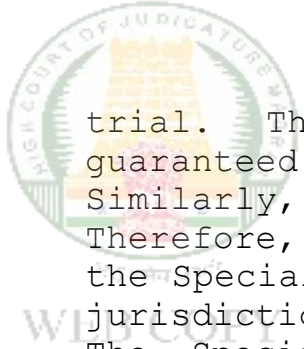
Government Pleader (crl. side)

O R D E R

On the complaint lodged by the petitioner, the respondent police registered a case in Crime No.23/2012 and after completing the investigation, the respondent police have filed a chargesheet in C.C.No.24/2014 before the Special Court for Exclusive Trial of Land Grabbing Cases, Madurai, against five accused for offences under Sections 120(B), 341, 465, 468, 471, 406, 506(ii) IPC. The de-facto complainant is before this Court for a direction to the trial Court to expeditiously complete the trial.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. side) for the respondent.

3. It is common knowledge that the Hon'ble Supreme Court has stayed all the proceedings before the Special Court for Land Grabbing Cases as the constitutional validity of the constitution of the said Court is under challenge before the Apex Court. Therefore, the Special Magistrate cannot proceed further with the trial. However, the FIR in this case was registered in the year 2012 and the chargesheet was filed in the year 2014 and on account of the stay, till 2017, there has not been any progress in the



trial. The accused have got a fundamental right to speedy trial guaranteed under Article 21 of the Constitution of India. Similarly, the victim also cannot be left without any remedy. Therefore, this Court directs the transfer of C.C.No.24/2014 from the Special Court for Land Grabbing Cases, Madurai to the ordinary jurisdictional Court, namely, Judicial Magistrate, No.I, Madurai. The Special Magistrate for Land Grabbing Cases, Madurai, is directed to send the case record in C.C.No.24/2014, after binding over the accused to appear before the Judicial Magistrate, No.I, Madurai, within a period of two weeks from the date of receipt of a copy of this order.

With the above direction, this criminal original petition is closed.

Sd/-
Assistant Registrar(C)

/True Copy/

Sub Assistant Registrar

To

1.The Judicial Magistrate, No.I
Madurai

2.-do-Thro' The Chief Judicial Magistrate,
Madurai.

3.The Special Court for exclusive Trial of Land Grabbing Cases,
Madurai

4.The Inspector Police(Land Grabbing Cell),
District Crime Branch,
Madurai.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/s. G.RAJAN Advocate in SR. N0.18218

RR

JS/SV.MMS/12.04.2017/2P-7C/SAR.4

ORDER MADE IN
CRL OP (MD) .No.3473 of 2017
24.03.2017