



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.04.2017

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CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

CRL.O.P. (MD) No.3751 of 2017

R.Periasamy : Petitioner

-Vs-

1.State through
The Inspector of Police,
Land Grabbing Special Cell,
Dindigul District.

2.The Superintendent of Police,
District Crime Branch,
Dindigul District.

: Respondents

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code to direct the first respondent to file final report before the Court of law in Crime No.118 of 2014, dated 03.11.2014 as expeditiously as possible within stipulated period as fixed by this Court.

For Petitioner : Mr.R.Santhanam

For Respondents : Mr.A.P.Balasubramani

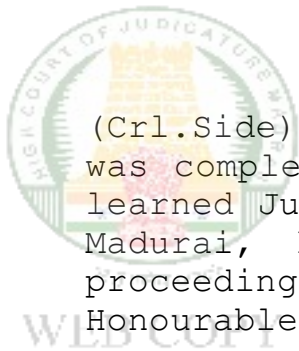
Government Advocate (Crl.side)

O R D E R

On the complaint lodged by the petitioner, the respondent police registered a case in Cr.No.118 of 2014 on 03.11.2014 for the offences under Sections 120(b), 417, 420, 465, 471 and 506(ii) I.P.C., against four accused. While so, the petitioner is before this Court for a direction to the respondent police to complete the investigation in Cr.No.118 of 2014 and file the final report.

2. Heard the learned Counsel for the petitioner and the learned Government (Crl.Side) appearing for the respondents.

3. Mr.R.Palanichamy, Special Sub-Inspector of Police, Anti Land Grabbing Special Cell, Dindigul District is present before this Court. On instructions, the learned Government Advocate



(CrI.Side) submitted that the investigation in Cr.No.118 of 2014 was completed and final report was filed on 13.05.2015 before the learned Judicial Magistrate, Special Court of Land Grabbing Cases, Madurai, but the same has not been taken on file, as all proceedings before the Special Court has been stayed by the Honourable Apex Court.

4. It is a fact that the Honourable Supreme Court of India has stayed all proceedings which are pending on the file of the Special Court for Land Grabbing cases in the State, as the constitutional validity of the constitution of the Special Court is under challenge before the Honourable Apex Court. In this case, the defacto complainant is 70 years old. The accused is also having a right of speedy trial of the case under Article 21 of the Constitution of India. Under such circumstances, this Court directs the transfer of the case in Cr.No.118 of 2014 from the file of the Special Court for Land Grabbing cases, Madurai to the jurisdictional Magistrate viz., the learned Judicial Magistrate No.II, Dindigul. Accordingly, the learned Judicial Magistrate, Special Court for Land Grabbing cases, Madurai is directed to send all the records within a period of two weeks from the date of receipt of a copy of this order to the learned Judicial Magistrate No.II, Dindigul, who in turn shall take the same on his file and proceed the matter in accordance with law.

5. With the above directions, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(Protocol)

/True Copy/

Sub Assistant Registrar

To

1.The Judicial Magistrate,
Special Court for Land Grabbing Cases, Madurai.

2. The Judicial Magistrate No.II, Dindigul

3.The Inspector of Police,
Land Grabbing Special Cell,
Dindigul District.

4.The Superintendent of Police,
Dindigul District.



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

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+1cc to Mr.R.Santhanam, Advocate Sr.No18787

SSL

VB/SV/MMS/13.04.2017/3P/7C

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