



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2017

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.(MD)No.4474 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 : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure praying to direct the Additional Mahila Court(JM Cadre) Madurai, in charge for the Special Court for Land Grabbing cases to transfer the Serial No.565 of 2015, dated, 04.12.2015 in Crime No.98 of 2014, to the Judicial Magistrate Court No.II, Dindigul, as expeditiously as possible.

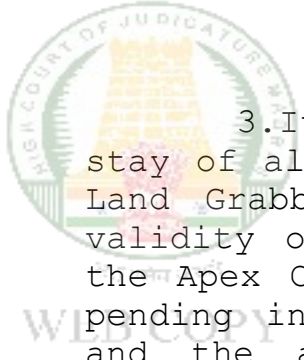
For Petitioner : Mr.R.Santhanam

For Respondent : Mr.K.Anbarasan
Government Advocate (Crl.side)

O R D E R

On the complaint lodged by the petitioner, the first respondent registered a case in Crime No.98 of 2014 and after completing the investigation, filed a chargesheet on 04.12.2015 before the Judicial Magistrate for Land Grabbing Cases, Madurai, but the same has not been taken on file, in view of the stay that has been granted by the Hon'ble Supreme Court. Therefore, the petitioner is before this Court for a direction to transfer the case to the ordinary jurisdictional Court.

2.Heard the learned counsel for the petitioner and the Government Advocate (Criminal Side) for the respondents.



3. It is the fact that the Hon'ble Supreme Court granted stay of all further proceedings before the Special Magistrate for Land Grabbing Cases in Tamil Nadu, as the very constitutional validity of the Constitution of the Court is in question before the Apex Court. However, the criminal prosecution cannot be kept pending indefinitely, as that would adversely affect the victim and the accused, who are both entitled to a speedy trial. Therefore, this Court directs the learned Judicial Magistrate, (Special Court for Land Grabbing Cases), Madurai to transfer the chargesheet and all documents in D.C.B., Dindigul District in Crime No.565 of 2015 to the Court of the Judicial Magistrate, No.II, Dindigul District, which is the ordinary jurisdictional Court, within four weeks from the date of receipt of copy of this order. The accused shall be bound over to appear before the Judicial Magistrate, No.II, Dindigul District.

4. With the above direction, this petition is disposed of.

Sd/-
Assistant Registrar(A.S)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate Court No.II,
Dindigul.
2. The Additional Mahila Court(JM Cadre),
Madurai.
3. The Inspector of Police,
Land Grapping Special Cell,
Dindigul District.
4. The Superintendent of Police,
District Crime Branch, Dindigul District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.R.Santhanam, Advocate Sr.No.52195
mrn/rr
vb/sv/mms/sar4/28.04.2017/2p/7c

Order made in
CrI.O.P. (MD) No.4474 of 2017
Dated: 17.04.2017