



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.09.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
and
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD) No.14710 of 2017
and W.M.P.(MD) No.11539 of 2017

A.Muthandi

... Petitioner

-vs-

1.The Registrar General,
The Hon'ble Madras High Court,
Chennai.

2.The Sessions Judge,
The Hon'ble Special Court for Bomb Blast Cases,
Poonamalli,
Chennai.

3.The Sessions Judge,
Sivagangai.

4.The Inspector of Police,
S.V.Mangalam Police Station,
Singampunari Taluk,
Sivagangai District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorari, calling for the records pertaining to the order passed by the 3rd Respondent herein in D.No.5688/2017 dated 26.07.2017 so far as S.C.No.129/2016 on the file of the Sessions Court, Sivagangai, and quash the same as illegal.

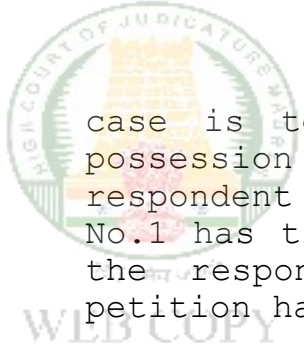
For Petitioner	:	Mr.K.Baalasundharam
For Respondents 1 to 3	:	Mr.N.Mohideen Basha
For 4th Respondent	:	Mr.VR.Shanmuganathan Special Government Pleader

O R D E R

(Order of the Court by M.M.SUNDRESH, J.,)

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

The petitioner has been arrayed as an accused in Crime No.7 of 2014 on the file of the fourth respondent. The allegation in the



case is to the effect that the petitioner was found to be in possession of explosives substances without authority. The respondent No.3 on a consideration of the circular of the respondent No.1 has transferred the case in S.C.No.129 of 2016 on the file of the respondent No.2. Challenging the above, the present writ petition has been filed.

2.The learned counsel appearing for the petitioner and the respondents would submit that the issue involved is no longer res-integra in view of the judgment of this Court in W.P.(MD) No.14014 of 2017 dated 10.08.2017. Considering the same, it is not necessary in all cases to transfer the offences involving explosives to be tried by the respondent No.2.

3.In the judgment referred supra, the following order was passed:

"9.It has been brought to the notice that circular itself has been issued as per the request made by the Public Prosecutor. Now, ground situation is different. There are very few cases pending before the second respondent. For the aforesaid purpose, there is no necessity to transfer all cases involving Explosives Substances Act pending from various districts to the second respondent. Perhaps, the alternative would be to take away the designation of the second respondent and give jurisdiction to respective cases in case of pendency is very few. In other words there may not be a need for a Special Court. Therefore, we are of the view that the first respondent may make an assessment of pendency of cases before the second respondent and take appropriate action in the light of discussion made above. This is for the reason that it will be a wasteful expenditure to keep a Court without adequate work which would also involve judicial time of the Judge and staff apart from wasteful expenditure. Such an assessment has to be made with respect to the cases covered under the circular of the first respondent as well as the Government Order with specific reference to the fundamentalist organization and other mentioned therein. Therefore, if other cases are pending, after being transferred from different parts of the State which otherwise would not come within the purview of circular of Government Order as indicated by us above, they can very well be sent back to the respective districts.

10.In the light of the above discussion, the writ petition stands allowed. Consequently, the second respondent is directed to transfer the case in S.C.No.174 of 2014 to the file of the Chief Judicial Magistrate Court, Pudukottai within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, W.M.P. (MD) No.10952 of 2017 is closed."

4.In the light of the above facts discussed above, we are of



the view that the ratio laid down in the aforesaid decision would be applicable to the case of the petitioner as well.

5. In such view of the matter, the impugned of the 3rd Respondent in D.No.5688/2017 dated 26.07.2017, is set aside and the writ petition is allowed. Consequently, the respondent No.3 is directed to decide the case in S.C.No.129 of 2016 by itself. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar

To:

1. The Registrar General,
Madras High Court,
Chennai.

2. The Sessions Judge,
The Special Court for Bomb Blast Cases,
Poonamalli,
Chennai.

3. The Sessions Judge,
Sivagangai.

4. The Inspector of Police,
S.V.Mangalam Police Station,
Singampunari Taluk,
Sivagangai District.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 79589

+ 1 CC TO Mr.N.MOHIDEEN BASHA, ADVOCATE IN SR No. 79559

+ 1 CC TO Mr.K.BAALASUNDHARAM, ADVOCATE IN SR No. 79506

SJ

TE/MR-KKR/SAR-IV : 09/10/2017 : 3P/8C

W.P. (MD) No.14710 of 2017
and W.M.P. (MD) No.11539 of 2017
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