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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **04.09.2017**

CORAM:

THE HONOURABLE MR.JUSTICE **M.M.SUNDRESH**

AND

THE HONOURABLE MR.JUSTICE **N.SATHISH KUMAR**

W.P. (MD)No.15843 of 2017

and

W.M.P. (MD) .Nos. 12523 and 12524 of 2017

1.Ibrahimkutty

2.Ismail

.. Petitioners

Vs.

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

2.The Sessions Judge,
Court for Exclusive Trial of Bomb Blast Cases,
Poonamallee, Chennai.

3.The Sessions Judge,
Sivagangai.

4.The Assistant Sessions Judge,
Sivagangai.

5.The Deputy Superintendent of Police,
"Q" Branch CID,
Ramanthapuram Range,
Ramanthapuram District.

6.The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.

(Crime No.657 of 2006)

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records of the impugned order passed by the third respondent in D.No. 5220/2017/S.C dated 14.07.2017 so far as in S.C.No. 391 of 2009 on the file of the Assistant Sessions Judge, Sivagangai and quash the same.

For petitioner

: Mr.M.Subash Babu

For respondents 1 to 4

: Mr.N.Tamilmani

For respondents 5 and 6

: Mr.T.R.Janarthanan

**O R D E R**

[Order of the Court was made by **M.M. SUNDRESH, J.**]

It is agreed by both counsel that the issue involved in this writ petition is covered by earlier order passed in W.P. (MD).No.14014 of 2017 dated 10.08.2017.

2.Admittedly the case is pending in S.C.No.391 of 2009 on the file of the Assistant Sessions Court, Sivagangai. The petitioners are arrayed as A6 and A7.

3.A perusal of the documents would show that the allegation against A1 is that he was in possession of explosive substances for an unlawful purpose without any valid licence. Other accused namely, Ibrahimkutty and Ismail sold the explosives to the person who is not a licence holder with knowledge that the explosives are to be sent to LTTE.

4.The learned Sessions Judge namely second respondent by taking note of the circular dated issued by the first respondent dated 28.05.2001 and 03.04.2017 was pleased to transfer the case in SC. No.391 of 2009 from the Assistant Sessions Court, Sivagangai to Sesions Court for Exclusive for Trial of Bomb Blast cases, Chennai at Poonamallee. Challenging the same, the present writ petition has been filed.

5.The learned counsel appearing for the petitioner would submit that the said circulars would not cover this case. More than fifty witnesses have been examined and there is no need to transfer this case.

6.The learned counsel appearing for respondents 1 to 4 submitted that the circulars would govern the case. It is the case of prosecution that explosive substances were sold to the unlicensed persons with the knowledge that the explosives are meant to be used by LTTE.

7.We are not concerned with the case of the prosecution so far as the petitioners alone is concerned. As rightly submitted by the counsel appearing for the respondents 1 to 4 the charge is with respect to the usage of explosive without licence in favour of a banned organisation.

8.In such view of the matter, we are of the view that as per the circulars referred to above, the third respondent rightly transferred the case to the second respondent from the file of the fourth respondent and we do not find any error warranting interference of this Court to the impugned order.



9. In the result, the writ petition is dismissed. Further, till the notice is issued by the second respondent the appearance of the petitioners is dispensed with as ordered by the trial Court. No Costs. Consequently, Connected Miscellaneous Petitions are closed.

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Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

TO

1. The Registrar General,
Madras High Court, Chennai.
2. The Sessions Judge,
Court for Exclusive Trial of Bomb Blast Cases,
Poonamallee, Chennai.
3. The Sessions Judge, Sivagangai.
4. The Assistant Sessions Judge, Sivagangai.
5. The Deputy Superintendent of Police,
"Q" Branch CID, Ramanthapuram Range,
Ramanthapuram District.
6. The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.

+1cc to Special Government Pleader, SR.No. 76646

dsk

MAS/MR-KKR/SAR2:14.09.2017:3P-8C

**ORDER MADE IN
W.P. (MD) No. 15843 of 2017
04.09.2017**