

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 26.06.2018

PRONOUNCED ON : 06.07.2018

CORAM :

THE HONOURABLE MR.JUSTICE P.N. PRAKASH

Criminal Original Petition No.3758 of 2017
and Crl.M.P.No.13467 of 2018

S.Jesuraja

... Petitioner

Vs.

Sate By: Inspector of Police
Q-Branch CID
Chennai City
(Shankar Nagar P.S.
Cr.No.741 of 2011)

... Respondent

Prayer:- Petition filed under Section 482 Cr.P.C., to direct that the trial of S.C.No.90 of 2013 which is pending before the Additional Sessions Judge, Tambaram, Chennai be transferred to the Special Court for exclusive trial of bomb blast cases, Poonamalle, Chennai.

For Petitioner : Mr.P.Pugalenth

For Respondent : Mrs.P.Kritika Kamal
Government Advocate (Crl.Side)

O R D E R

सत्यमेव जयते

This petition has been filed to direct the trial of S.C.No.90 of 2013 pending before the Additional Sessions Judge, Tambaram, Chennai to be transferred to the Special Court for exclusive trial of bomb blast cases, Poonamalle, Chennai.

2. The petitioner is facing prosecution in S.C.No.90 of 2013 before the Additional Sessions Judge, Tambaram, Chennai for the offence under Section 120-B IPC, Section 20 of the Unlawful Activities (Prevention) Act, 1967 and Section 5 of the Explosive Substances Act, 1908. While so, this petition has been filed seeking the aforeasaid relief.

3. Heard Mr.P.Pugalenth, learned counsel for the accused and Mrs.P.Kritika Kamal, learned Government Advocate (Crl.Side) appearing for the State.

4. Mr.Pugalenth, learned counsel for the accused, placed strong reliance on the circular dated 03.04.2017 issued by the Registrar General of this Court and also the judgment dated 04.09.2017 passed by a Division Bench of this Court in W.P.(MD) No.15843 of 2017 and contended that the Additional Sessions Judge, Tambaram, does not have the jurisdiction to try the case and that the Special Court for Exclusive trial of Bomb Blast Cases, Poonamallee, Chennai alone can try the case. He also placed reliance on the order of a learned single Judge of this Court in Dharamchand vs. State, rep. by Inspector of Police and others in Crl.O.P.No.29340 of 2004 dated 19.01.2005.

5. Per contra, learned Government Advocate (Crl.Side) refuted the contentions.

6. In the opinion of this Court, this issue is no more res integra in the light of the recent judgment dated 14.06.2018 passed by a Division Bench of this Court in W.P. (MD) Nos. 19496 of 2017 etc. batch [M. Manimuthu vs. The Registrar General, The Honourable Madras High Court and others], wherein, the Division Bench has traced the history of the Special Court for Exclusive trial of bomb blast cases for Poonamalle and Coimbatore and has also considered the circular issued by the Registrar General. The Division Bench has held that the regular Sessions Court has the jurisdiction to try such cases and the Special Court for Exclusive trial of bomb blast cases is yet another Additional Sessions Court and cases can be made over by the Principal District and Sessions Judge under Section 194 Cr.P.C. immediately after the committal. The said order passed by the Division Bench does not envisage transfer of cases.

In such view of the matter, this petition is devoid of merits and the same is dismissed. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

gms

To

1.The Inspector of Police
Q-Branch CID
Chennai City.

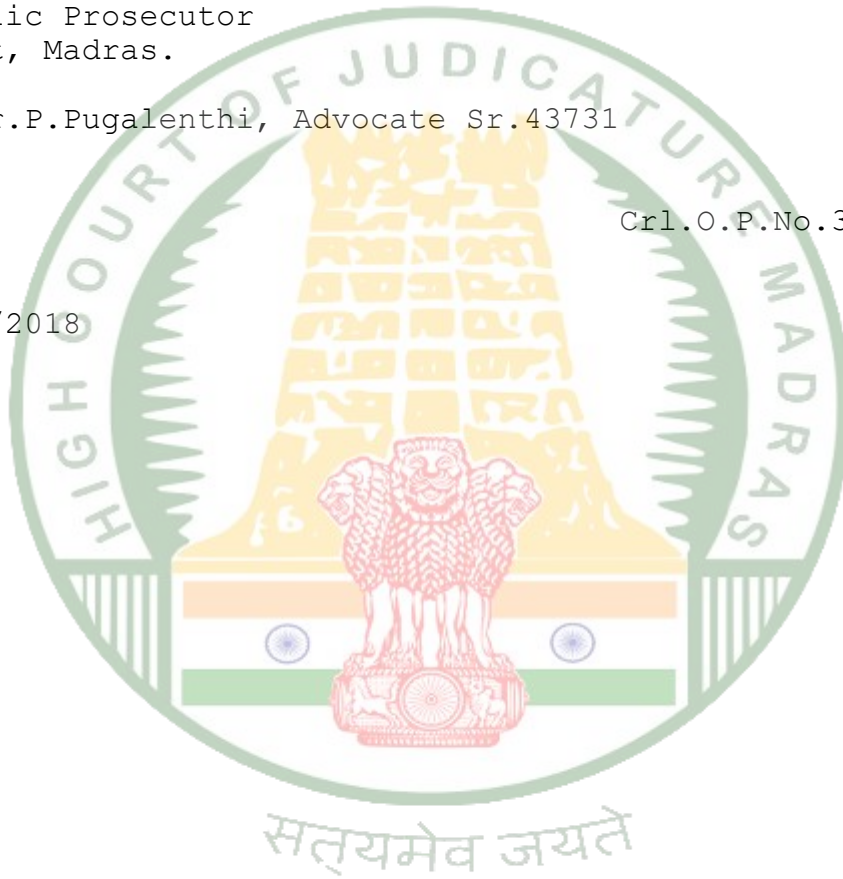
2.The Additional Sessions Judge,
Tambaram, Chennai.

3.The Public Prosecutor
High Court, Madras.

+1cc to Mr.P.Pugalenthir, Advocate Sr.43731

Cr1.O.P.No.3758 of 2017

srg 12/07/2018



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