

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2018

C O R A M

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.No.12533 of 2018

S.Murugesan

...Petitioner

Vs.

The State

Represented by the Inspector of Police
DCB/Anti Land Grabbing Special Cell,
Salem District.

... Respondent

Criminal Original Petition is filed under Section 482 of Cr.P.C seeking a direction to the respondent police to file final report before the Judicial Magistrate, Sangari, Salem District in Crime No.31 of 2011.

For Petitioner : Mr.A.Nagarathinam

For Respondent : Mr.C.Raghavan
Government Advocate (Crl.Side)

O R D E R

This criminal original petition has been filed seeking a direction to the respondent police to file a final report before the Judicial Magistrate, Sangari, Salem District, in Crime No.31 of 2011.

2. Today, Mr.R.Ravi, SSI, Anti Land Grabbing Special Cell, Salem District is present before this Court.

3. On instructions, the learned Government Advocate (Crl. Side) submitted that the investigation in Crime No.31 of 2011 has been completed and a draft charge sheet is ready, whereas, the FIR was earlier sent to the Special Magistrate for Land Grabbing cases, Salem and therefore, the police have not been able to file the charge sheet, as there is a stay of all further proceedings before the Special Magistrate by the Supreme Court.

4. On a perusal of the draft charge sheet, it is seen that apart from IPC offences, the police have included Section 3 of the TNPPDL Act, 1992, which is triable by the Sessions Court. Hence, the committal proceedings is essential and therefore, this Court directs the respondent police to file the charge sheet before the jurisdictional Magistrate viz., the Judicial

Magistrate No.II, Sangakiri. The Special Magistrate for Land Grabbing Cases, Salem, is directed to transfer the FIR and other records in Crime No.31/2011 to the file of the Judicial Magistrate No.II, Sangakiri. The whole exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

With the above directions, this petition is closed.

Sd/-

Assistant Registrar (CS IX)

//True copy//

Sub Assistant Registrar

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To

- 1.The Judicial Magistrate No.II,
Sangakiri.
- 2.The Special Magistrate for Land Grabbing Cases,
District Court Complex,
Salem District.
- 3.The Inspector of Police
DCB/Anti Land Grabbing Special Cell,
Salem District.
- 4.The Public Prosecutor
High Court, Madras.

+1cc to Mr.A.Nagarathinam, Advocate SR.No.38580

सत्यमेव जयते

Cr1.O.P.No.12533 of 2018

SSI (CO)
GN(03/07/2018)

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