

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.06.2018

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THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.16058 of 2018

P.S.R.Sathyamurthy

..

Petitioner

Vs

The Inspector of Police,
CCB, Team-XVIII,
Vepery,
Chennai-7.

..

Respondent

Criminal Original Petition filed under Section 482 Cr.P.C., praying to withdraw the case in Crime No.419 of 2014 along with unnumbered charge sheet from the file of the Special Metropolitan Magistrate-II [Land Grabbing Cases], Periamet, Chennai-3 and transfer to Metropolitan Magistrate CCB and CBCID Cases, Egmore at Allikulam, Chennai-3.

For Petitioner : Mr.P.Kannan Kumar

For Respondent : Mr.C.Raghavan, GA

O R D E R

This petition has been filed seeking a direction to transfer the case in Crime No.419 of 2014 along with unnumbered charge sheet from the file of the Special Metropolitan Magistrate Court-II [Land Grabbing Cases], Periamet, Chennai-3 to the Metropolitan Magistrate Court, CCB and CBCID Cases, Egmore.

2.Heard the learned counsel for the petitioner and perused the materials placed on record.

3.On the complaint lodged by the petitioner, the respondent Police have registered a case in Crime No.419 of 2014 and after completing the investigation, filed a final report before the Special Metropolitan Magistrate Court-II, Land Grabbing Cases, Periamet, Chennai-3 on 19.03.2018. While so, the de facto complainant has filed the present petition for transfer of the final report to the jurisdictional Court on the ground that all the proceedings before the Special Court in Tamil Nadu has been stayed by the Apex Court.

4.It is common knowledge that the Supreme Court has stayed all the proceedings before the Special Courts that were constituted to try land grabbing cases, as the constitutional validity of the constitution of the said Courts is under challenge before the Apex Court.

5.Therefore, the Special Magistrate cannot proceed further with the trial. However, the FIR in this case was registered in the year 2014 and charge sheet has been filed in the year 2018. The accused have got fundamental right to a speedy trial guaranteed under Article 21 of the Constitution of India. Similarly, the victim also cannot be left without any remedy. If the matter is kept pending, there are every chances of witnesses being tampered with or some of them may even die. The original jurisdiction of the criminal Courts to try such cases have not been ousted. Had there been no special courts, the charge sheet in this case would have been filed before CCB/CBCID Metropolitan Magistrate Court, Allikulam, Egmore.

6.Therefore, this Court directs the transfer of the unnumbered final report in Crime No.419 of 2014 from the file of the Special Court for Land Grabbing Cases, Chennai to the original jurisdictional Court namely, CCB/CBCID Metropolitan Magistrate Court, Allikulam, Egmore. The Special Magistrate for Land Grabbing Cases, Chennai is directed to send the entire records in Crime No.419 of 2014 to the CCB/CBCID Metropolitan Magistrate Court within two weeks from the date of receipt of a copy of this order.

With the above direction, this Criminal Original Petition is ordered accordingly.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

gya
To

1. THE SPECIAL METROPOLITAN MAGISTRATE-II
[LAND GRABBING CASES],
PERIAMET, CHENNAI-3

2.THE CCB/CBCID METROPOLITAN MAGISTRATE COURT,
ALLIKULAM, EGMORE.

3.THE INSPECTOR OF POLICE,
CCB, TEAM-XVIII,
VEPERY, CHENNAI-7.

+2cc to Mr.P.KANNANKUMAR, Advocate, S.R.No. 39639

CRL.OP.No.16058 of 2018

SKS (CO)
TR(02/07/2018)



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