



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2018

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.13777 of 2017

Deputy Superintendent of Police  
Anti Trafficking Cell  
Crime Branch CID  
Egmore, Chennai 08.

.. Petitioner

Vs

1.Karuppu  
2.Jeyachandran  
3.Karamani  
4.Kumar @ Sukumar (Died)  
5.Ochammal

..Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C. to direct the case in C.C.No.92 of 2011 on the file of IV Metropolitan Magistrate, Chennai be transferred to criminal court equal jurisdiction situated in Dindigul, namely, JM-I, Dindigul.

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

O R D E R

This petition has been filed to direct the case in C.C.No.92 of 2011 on the file of IV Metropolitan Magistrate, Chennai be transferred to criminal court of equal jurisdiction situated in Dindigul, viz., Judicial Magistrate-I, Dindigul.

2. On 28.02.2010, the Inspector of Police. M-1 Madhavaram Police Station, Chennai, rescued four juveniles near the Madhavaram bypass road, who were being illegally transported to Dindigul District and were handed over to the Child Welfare Committee on 02.03.2010. On enquiry, it was found that the children were being trafficked from Dindigul District in Tamil Nadu to Khammam District in Andhra Pradesh by the accused Karuppu and Jayachandran.. The CBCID registered a case in Cr.No.2 of 2010 and after completing the investigation, filed a charge sheet in C.C.No.92 of 2011 before the IV Metropolitan Magistrate, Saidapet, Chennai for the offences under Sections 363, 344 IPC and Sections 23 and 26 of the Juvenile Justice



(Care and Protection of Children) Act, 2000 against respondents 1 to 5 herein. While so, the CBCID has filed the present application for transferring the case from Chennai to Dindigul on territorial grounds.

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3. Heard Mrs.Kritika Kamal, P., learned Government Advocate [Crl.Side] for the petitioner-State.

4. On a perusal of the entire case records, it is seen that the children were being illegally taken away from Dindigul and while they were being sent to Khammam District in Andhra Pradesh, they were intercepted at Madhavaram, which is in Chennai and therefore, it cannot be stated that the IV Metropolitan Magistrate Court, Chennai, which has been designated as the Special Court for Anti Trafficking Cases has no jurisdiction.

5. Be that as it may, if the case is transferred to Dindigul, the children will not be able to depose freely, because, the child trafficking gang in Dindigul is indubitably powerful, as could be seen from the volume of similar cases that have emanated from Dindigul District. That apart, the accused have also engaged lawyers in Chennai and it will cause great prejudice to them if the case is transferred to Dindigul. It is not the case of the CBCID that the IV Metropolitan Magistrate, Chennai has no jurisdiction to try the case at all. It is their apprehension that the case may fail on account of territorial jurisdiction.

6. In the opinion of this Court, lack of territorial jurisdiction cannot ipso facto vitiate the trial, if it is shown that the trial Court had jurisdiction otherwise. In the interests of the children and also in the interest of protecting their lives, trial in Chennai becomes imperative. Hence, interests of justice will be served if the trial proceeds further to its logical conclusion before the IV Metropolitan Magistrate, Saidapet, Chennai, the designated Court itself and accordingly it is ordered.

With the above observation, this petition is closed.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

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To

1.The Deputy Superintendent of Police  
Anti Trafficking Cell  
Crime Branch CID  
Egmore, Chennai 08.

2.IV Metropolitan Magistrate,  
Saidapet, Chennai.

3. The Judicial Magistrate-I,  
Dindigul.

4.The Public Prosecutor,  
High Court, Madras.

Crl.O.P.No.13777 of 2017

GP(CO)  
SP(27/07/2018)