



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH
Cr1.O.P.[MD].No.13673 of 2018

Balaji

: Petitioner

Vs.

1.The Deputy Superintendent of Police,
Devakottai, Sivagangai District.

2.The Inspector of Police,
All Women Police Station,
Devakottai, Sivagangai District.
[Crime No.8 of 2013]

: Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to direct the learned Principal District and Sessions Court (PCR), Sivagangai District to expedite the trial within a stipulated time in S.C.No.99 of 2014.

For Petitioner : Mr.G.Thiruvarut Selvan
For Respondents : Mr.K.Suyambulinga Bharathi
Government Advocate [Cr1. Side]

ORDER

The Criminal Original Petition has been filed to expedite the trial within a stipulated time in S.C.No.99 of 2014. Presently, the case is pending before the learned Principal District and Sessions Court(PCR), Sivagangai District.

2. The learned Government Advocate on instructions would submit that this is a case where the averments both under the SC/ST Act and the POCSO Act are involved and therefore in terms of the judgment *In Re The Registrar(Judicial) of the Hon'ble Division Bench of High Court* reported in 2017 (4) CTC 371, it has been held that only the Special Court notified under the POCSO Act can deal with the case of this nature. Presently, the case is, however, pending before the learned Special Court Judge under the SC/ST Act.

3. The S.C., is of the year 14. Therefore, there will be a direction to the learned Principal District and Sessions Court(PCR), Sivagangai District to immediately transfer the case to the learned Mahila Court, Sivagangai [presently, the Family Court, Sivagangai is exclusively trying cases under the POCSO Act]. On receipt of the records, the Family Court, Sivagangai, is directed to issue notice to the parties and to give priority to this case. Since it has been pending for more than four years, the learned Mahila Court, Sivagangai is directed to complete the trial as expeditiously as



possible, from the date of receipt of copy of this order.

4. With the above directions, this Criminal Original petition is disposed of.

Sd/
Assistant Registrar(T&P)

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/True copy/

Sub Assistant Registrar(CS-III)

To

- 1.The Principal District and Sessions Court(PCR),
Sivagangai District.
- 2.The Mahila Judge, Sivagangai.
(For report Compliance afer completion of the Proceedings)
- 3.The Judge,Family Court, Sivagangai.
- 4.The Deputy Superintendent of Police,
Devakottai, Sivagangai District.
- 5.The Inspector of Police,
All Women Police Station,
Devakottai, Sivagangai District.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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sjj
KK/PM/SAR-3/25.09.2018/2P-7C