

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.04.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.8589 of 2019
and Crl.M.P.No.4573 of 2019

A.R.Anandan

... Petitioner

Vs.

State Rep by
The Inspector of Police,
Pallathur Police Station,
Pallathur,
Sivaganga District.

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the learned Principal District Munsif cum Judicial Magistrate Court at Karikudi to commit the case in P.R.C.No.5 of 2019 to the Special Court for Trial of Criminal cases related to elected MPs and MLAs at Chennai within the time framed fixed by this Hon'ble Court and order for joint trial along with the case in S.C.No.4 of 2019 pending before the Special Court for the trial of Criminal cases related to elected MPs and MLAs of Tamilnadu at Chennai.

For Petitioner : Mr.A.R.L.Sundaresan,
Senior Counsel for
Mr.K.Muthuramalingam

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the learned Principal District Munsif cum Judicial Magistrate Court at Karikudi to commit the case in P.R.C.No.5 of 2019 to the Special Court for Trial of Criminal cases related to elected MPs and MLAs at Chennai within the time framed fixed by this Court and consequently direct for joint trial along with the case in S.C.No.4 of 2019 pending before the Special Court for the trial of Criminal cases related to elected MPs and MLAs of Tamilnadu at Chennai.

2.It is seen from records that there is a group clash between two political parties (AIDMK and DMK) during the election campaign on 15.05.2016 and a case in Crime No.54 of 2016 was registered based on the complaint given by the respondent and a counter case in Crime No.55 of 2016 was registered based on the complaint given by the petitioner, before the respondent police. Both the cases were investigated by the respondent police. According to the petitioner, the respondent police without conducting fair investigation has filed a final report in Crime No.54 of 2016 and the same was committed to the Principal District Judge at Sivaganga and taken on file as S.C.No.23 of 2018, in which the petitioner was arrayed as A22. However, the counter case in Crime No.55 of 2016 was closed by the respondent as mistake of fact. Thereafter, the case in S.C.No.23 of 2018 was transferred to the Special Courts for trial of criminal cases related to elected MPs and MLAs of Tamil Nadu at Chennai and renumbered as S.C.No.4 of 2019, in view of the orders passed by the Hon'ble Supreme Court of India in W.P.(Civil)No.669 of 2016. That case in S.C.No.4 of 2019 is still pending. Aggrieved by the action of the respondent police in closing the case in Crime No.55 of 2016 as 'mistake of fact', the petitioner has filed a protest petition before the Principal District Munsif cum Judicial Magistrate, Karaikudi, and the same was taken on file as P.R.C.No.5 of 2019 for the offence under Sections 147, 148, 341, 294(b), 506(ii) of IPC and Section 3 of TNPPDL Act and the matter is posted for appearance of the accused persons on 03.05.2019.

3.Mr.ARL.Sundaresan, learned Senior Counsel, appearing for the petitioner submitted that the case against the petitioner and 23 others in S.C.No.4 of 2019 on the file of the Special Court and the case in P.R.C.No.5 of 2019 on the file of the Principal District Munsif cum Judicial Magistrate at Karaikudi are arising out of the same incident and hence they should be tried and disposed of by the same Court. Hence, he seeks a direction to the learned Principal District Munsif cum Judicial Magistrate at Karaikudi to commit the case in P.R.C.No.5 of 2019 to the Special Court for the trial of criminal cases related to elected MPs and MLAs at Chennai for joint trial and disposal. He further submitted that the case in S.C.No.4 of 2019 is posted for framing charges and the trial is to be commenced shortly. Hence, he seeks for stay of proceedings in S.C.No.4 of 2019 till the committal proceedings in P.R.C.No.5 of 2019 is over.

4.Per contra, the learned Additional Public Prosecutor vehemently opposed for grant of stay and further submitted that the petitioner seeks for grant of stay only to drag on the proceedings.

5.Heard both sides.

6.Considering the facts and circumstances of the case, the learned Principal District Munsif cum Judicial Magistrate Court, Karikudi is directed to commit the case in P.R.C.No.5 of 2019 for trial and transfer the entire bundle to the Special Court constituted for the trial of criminal cases related to elected MPs and MLAs at Tamil Nadu, Chennai, within one week from the date of receipt of copy of this order. In the meantime, the Special Court for the trial of criminal cases related to elected MPs and MLAs at Tamil Nadu, Chennai, is directed to adjourn the proceedings in S.C.No.4 of 2019 till the receipt of the bundle in P.R.C.No.5 of 2019, from the learned Principal District Munsif cum Judicial Magistrate, Karaikudi.

7. With the above directions, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

rm/ssr
To

1. The Principal District Munsif cum Judicial Magistrate, Karaikudi.
- 2.The Special Court,
(for trial of criminal cases related to elected
MPs and MLAs)
Chennai.
- 3.The Inspector of Police, Pallathur Police Station,
Pallathur, Sivaganga District.
4. The Public Prosecutor, High Court, Madras.

+1cc to Mr.K.Muthuramalingam, Advocate Sr.6653

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