

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.30180 of 2018 and
Crl.M.P.No.17737 of 2018

S.Padmanaban

... Petitioner/3rd Accused

Vs.

City Public Prosecutor,
High Court Campus,
Chennai - 600 104

... Respondent/Complainant

PRAYER:

Criminal Original Petition filed under Section 407 Cr.P.C. praying to call for the records in C.C.No.17 of 2013 pending on the file of Special Court at Singaravelan Maligai, Chennai - 600 001, and transfer C.C.No.17 of 2013 to Hon'ble Principal Sessions Court, Chennai.

For Petitioner : Mr.M.S.Murali
for M/s.R and P Partners

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

ORDER

This petition has been filed to transfer the proceedings in C.C.No.17 of 2013 pending on the file of the Special Court at Singaravelan Maligai, Chennai to the file of the learned Principal Sessions Court, Chennai.

2. It is seen that a private complaint was filed by the City Public Prosecutor High Court for the offence punishable under Sections 500 & 501 I.P.C. as against three accused persons in which the first accused died. In the meanwhile the Government of Tamil Nadu passed order dated 06.09.2018 in G.O.Ms.No.1423 Home (Courts II), which is extracted as follows:

"Whereas, the Supreme Court of India by order dated 1st November 2017 in W.P.(Civil) No.669/2016, Ashwini Kumar Upadhyay Versus Union of India and another, has directed the Union Government to prepare a scheme for setting up of Courts exclusively to deal with criminal cases involving elected Members of

Parliament and Members of Legislative Assembly.

And Whereas, the Government of India in compliance with the aforesaid order of the Supreme Court prepared and placed before the Supreme Court a scheme for setting up of 12 Fast Track Courts, combining several State(s) in respect of which jurisdiction will be exercised by One Special Court;

And Whereas, the Ministry of Law and Justice, Government of India have informed that the said Scheme has been approved by the Supreme Court on the 14th December 2017 and under the said scheme One Special Court has been approved to be set up in Tamil Nadu for the said purpose;

Now therefore, pursuant to the aforesaid orders dated 1st November 2017 and 14th December 2017 in W.P.Civil No.669/2016 of the Supreme Court, the Government of Tamil Nadu, in consultation with the High Court of Madras hereby establishes a Special Court at Chennai having jurisdiction over the entire State of Tamil Nadu, to try criminal cases involving elected Members of Parliament and Members of Legislative Assembly of Tamil Nadu, with effect from the date on which the Judge assumes charge of that Court."

3. Accordingly the Government of Tamil Nadu constituted Special Court at Chennai having jurisdiction for the entire State of Tamil Nadu to try criminal cases involving elected Members of Parliament and Members of Legislative Assembly of Tamil Nadu with effect from the date on which the Judge assumes charge of the Court. As per the above order, the case in C.C.No.17 of 2013 initiated by the City Public Prosecutor as against a Member of Legislative Assembly, namely the first accused herein and as against the Editor and the Publisher of the Hindu Newspaper. It is seen that pending the case in C.C.No.17 of 2013 before the Special Court at Singaravelan Maligai, Chennai the first accused died. Now the complaint is pending as against the Editor and the Publisher of the Hindu Newspaper. Admittedly, they are not Members of the Legislative Assembly or Members of Parliament. Therefore they are not coming under the purview of the order passed by the Government of Tamil Nadu and as such the complaint need not be pending on the file of the Special Court at Singaravelan Maligai, Chennai, specially constituted by the Government of Tamil Nadu for Members of Parliament and Members of Legislative Assembly.

4. Considering the above facts and circumstances of the case, this Court is inclined to transfer the case to the original jurisdiction. Accordingly, this Criminal Original Petition is allowed and the case in C.C.No.17 of 2013 is hereby

withdrawn from the file of the Special Court at Singaravelan Maligai, Chennai and the same is transferred to the file of the learned Principal Sessions Judge, Chennai. Further considering the case is of the year 2013, the learned Principal Sessions Judge, Chennai is directed to complete the trial in C.C.No.17 of 2013 within a period of six months from the date of receipt of the bundle from the Special Court at Singaravelan Maligai, Chennai. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

- 1.The City Public Prosecutor,
High Court Campus,
Chennai - 600 104
2. The Special Court at Singaravelan Maligai,
Chennai
- 3.The Principal Sessions Court, Chennai.
- 4.The Additional Public Prosecutor,
High Court of Madras.

+3 cc's to M/s.R&P Partners, Advocate, Sr.No. 28776,28261

VBA (CO)
CSL/07.05.2019

Crl.O.P.No.30180 of 2018

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