

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CRL.O.P.No.1092 of 2020

T.AL.Tenappan

... Petitioner/Single Accused

Vs.

State Represented by,
The Inspector of Police,
Vigilance and Anti-Corruption,
City Special Unit-I, Chennai-16.
(Crime No.7/AC/2017/CC-I)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 407 of Cr.P.C., to withdraw the Special Case No.2 of 2019 on the file of the Chief Judicial Magistrate cum Special Judge, Thiruvallur and transfer the same to the file of the X Additional City Civil and Sessions Judge (Special Judge for Anti Corruption Cases), Chennai.

For Petitioner : M/s.P.M.Duraiswamy

For Respondent : M/s.C.Iyyappa Raj
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to withdraw the Special Case No.2 of 2019 on the file of the Chief Judicial Magistrate cum Special Judge, Thiruvallur and transfer the same to the file of the X Additional City Civil and Sessions Judge (Special Judge for Anti Corruption Cases), Chennai.

2.The learned counsel for the petitioner would submit that the learned Chief Judicial Magistrate Cum Special Judge, Thiruvallur has taken up the corruption cases only for two days per week. He would further submit that the X Additional City Civil and Sessions Judge (Special Judge for Anti Corruption Cases), Chennai is purely dealing with the corruption cases for

five days per week. Hence, for the sake of convenience of both sides and for the interest of speedy trial, the above case may be transferred to the file of the X Additional City Civil and Sessions Judge (Special Judge for Anti Corruption Cases), Chennai.

3.The learned Additional Public Prosecutor appearing for the respondent would submit that the trial Court is effectively conducting the trial without any further delay and if the case is transferred to some other Court, it may cause further delay in completion of the trial.

4.The present petition is filed only on the ground that all the witnesses are residing in and around Chennai city and travelling to Tiruvallur is much hardship to the prosecution witness and Thiruvallur Court is taking up the case only for two days and the Special Judge for Anti Corruption, Chennai is working all five days. However, the Special Judge for Anti Corruption, Chennai is having more number of cases and the Thiruvallur Court is having very few cases. Hence, considering the pendency of cases before the Special Judge for Anti Corruption, Chennai and Thiruvallur, there is no feasibility to transfer the case from Chief Judicial Magistrate, Thiruvallur to Chennai. Accordingly, the request made by the petitioner is rejected.

5.This Criminal Original Petition is disposed of, with a direction to the Chief Judicial Magistrate cum Special Judge, Thiruvallur to the complete trial within a period of six months from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1.The Chief Judicial Magistrate cum Special Judge,
Thiruvallur.

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2.The Inspector of Police,
Vigilance and Anti-Corruption,
City Special Unit-I, Chennai-16.

3.The X Additional City Civil & Sessions Judge
(Special Judge for Anti Corruption Cases),
Chennai.

4.The Public Prosecutor,
High Court of Madras.

+1cc to Mr.P.M.Duraiswamy, Advocate sr.5042

CRL.O.P.No.1092 of 2020

vba (co)
nr 28/02/2020



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