



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2020

CORAM :

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P.(MD)No.14600 & 14601 of 2020
and Crl.M.P.(MD)Nos.6879 & 6881 of 2020

Crl.O.P.(MD)No.14600 of 2020

A.Maharajan

... Petitioner/8th Accused

Vs.

The State through
Deputy Superintendent of Police,
Melur in Keelavalavu PS
Crime No.224 of 2012,
Madurai District.

... Respondent/Respondent

Prayer : Criminal Original Petition filed under Section 407 Cr.P.C., to withdraw the case in S.C.No.340 of 2016 on the file of the Principal District and Sessions Judge, Madurai and transfer the same to the file of any other competent Court in nearer Districts of law for disposal according to law.

Crl.O.P.(MD)No.14601 of 2020

A.Maharajan

... Petitioner/5th Accused

Vs.

The State through
Deputy Superintendent of Police,
Melur in Othakadai PS
Crime No.449 of 2012,
Madurai District.

... Respondent

Prayer : Criminal Original Petition filed under Section 407 Cr.P.C., to withdraw the case in S.C.No.372 of 2016 on the file of the Principal District and Sessions Judge, Madurai and transfer the same to the file of any other competent Court in nearer Districts of law for disposal according to law.

For Petitioner	: Mr.V.Srinivasaragavan
(in both Crl.O.Ps.)	for Mr.N.Ilango
For Respondent	: Mr.V.Neelakandan,
(in both Crl.O.Ps.)	Additional Public Prosecutor

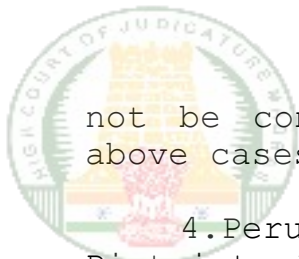


COMMON ORDER

These criminal original petitions have been filed to withdraw the cases in S.C.Nos.340 & 372 of 2016 on the file of the Principal District and Sessions Judge, Madurai and transfer the same to the file of any other competent Court of law in nearer Districts for disposal, in accordance with law.

2.The learned counsel for the petitioner would submit that the petitioner is the accused in S.C.Nos.340 and 372 of 2016 and the cases were heard by the IVth Additional District and Sessions Judge, Madurai at that point of time and since there were certain allegations against the learned Judge, the petitioner had moved Crl.M.P.Nos.3712 and 3714 of 2018 before the learned Principal District and Sessions Judge, Madurai, seeking to transfer the above cases from the file of the IVth Additional District and Sessions Court, Madurai, to any other competent court and the learned Principal District Judge, Madurai, by order dated 06.10.2018 transferred the cases from the file of the IVth Additional District and Sessions Judge, Madurai, to the Ist Additional District Judge, Madurai. While so, the Government have passed G.O.Ms.No.298, Home (Courts-II) Department, dated 13.06.2019, by which orders were issued for constitution of a Special Court in the cadre of District Judge at Madurai to deal with the complaints and cases filed for unauthorised stock of granites in patta lands and to deal with trial of offences for contravention of the provisions of the Mines and Minerals (Development and Regulation) Amendment Act 2015 notified in G.O.Ms.No.1564, Home (Courts-II), Department, dated 14.09.2018. Since there was some difficulty expressed in finding accommodation for housing the Special Court at Madurai for the said purpose and till such constitution of the said Court and based on the direction of this Court in W.P(MD)No.19936 of 2017, dated 11.01.2019, the Court of Principal Judge, City Civil Court, Chennai and the Principal District Courts/District Courts in each judicial District, in the State of Tamil Nadu were designated as Special Court specifying the entire territorial limits of the Judicial District concerned as the local limits of the area to which the jurisdiction of the respective Court shall extend and the District Judge of the respective Judicial District was designated as the Judge of the respective Special Court. So, according to the above G.O., the Principal District Judge is the jurisdictional Court to deal with the cases filed under the Mines and Minerals (Development and Regulation) Act, 1957, and accordingly, the Principal District Court will act as the Special Court to deal with the above case.

3.The grievance of the petitioner is, the learned Judge from whom the cases were transferred to the Ist Additional District Judge, Madurai, in the earlier occasion vide orders passed by the Principal District Judge, Madurai, in Crl.M.P.Nos.3712 and 3714 of 2018, dated 06.10.2018, is now the officer in-charge of the Principal District Judge, Madurai, and therefore, apprehending that a fair trial may



not be conducted, the petitioner has sought for transfer of the above cases to some other District Court.

4.Perusal of record shows that the learned IVth Additional District Judge, Madurai, from whom the cases were transferred earlier, is now been in-charge of the Principal District Judge, Madurai, and therefore, the learned Principal District Judge(in-charge), Madurai, is directed to keep the trial of the cases in S.C.Nos.340 and 372 of 2016 in abeyance till a regular Principal District Judge is appointed to hear those cases.

With the above direction, these Criminal Original Petitions are disposed of. Connected MPs are closed.

Sd/-

Assistant Registrar(CS-II)

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Sub Assistant Registrar(CS)

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NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Principal District and Sessions Judge,
Madurai.
2. The IVth Additional District and Sessions Judge, Madurai.
3. The Ist Additional District Judge, Madurai.
4. The Principal District Judge(Incharge), Madurai.
- 5.The Deputy Superintendent of Police,
Melur in Othakadai PS,
Madurai District.
- 6.The Deputy Superintendent of Police,
Melur in Keelavalavu PS,
Madurai District.
- 7.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



+4 CC to M/s.N.ILANGO, Advocate (SR-25513 & 25514 [F] dated
15/12/2020)

Crl.O.P. (MD) Nos.14600 & 14601 of 2020
15.12.2020

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