

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 22.04.2021
CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.7553 of 2021

A.Nagalakshmi @ Kumari ... Petitioner/Defacto Complainant

Versus

1.State rep.by
Inspector of Police
Central Crime Branch-II
Anti Land Grabbing Special Cell-II
Vepery, Chennai 600 007. ...1st Respondent

2.Ramachandran Kurup
3.Sethumadavan
4.S.P.Subramanian
5.Balasubramaniam
6.V.Srinivasamurthy
7.M.R.Srinivasan
8.Rama Rao

... Respondents 2 to 8/ Accused 1,2,4,5,7,8 and 9

PRAYER: Criminal Original Petition filed under Section 407 of the Code of Criminal Procedure, to withdraw the C.C.No.31 of 2021 on the file of the Judicial Magistrate No.I, Kanchipuram and transfer to XVIII Metropolitan Magistrate, Saidapet, Chennai and time may be stipulated to complete the trial.

For Petitioner : Ms.T.Gnana Banu

For Respondent : Mr.M.Mohamed Riyaz for R1
Additional Public Prosecutor

ORDER

This petition has been filed to withdraw the C.C.No.31 of 2021 on the file of the Judicial Magistrate No.I, Kanchipuram and transfer to XVIII Metropolitan Magistrate, Saidapet, Chennai and time may be stipulated to complete the trial.

2. The contention of the petitioner is that the petitioner/defacto complainant, witnesses and also the accused are all senior citizens and they are residing in and around

Chennai. The respondents 2 to 8 had illegally sold the property, which belongs to the Cine Technician Association, situated at Mangadu out of Chennai. After investigation by the first respondent, FIR in Crime No.152 of 2011 was registered under Sections 406, 468, 471, 420, 465, 467 and 120B of IPC and charge sheet was filed before the Judicial Magistrate, Alandur, in C.C.No.1215 of 2015. Thereafter, the said C.C.No.1215 of 2017 was transferred to the Judicial Magistrate No.I, Kanchipuram and renumbered as C.C.No.31 of 2021. The witnesses and the accused are residing in and around Chennai and for each hearing, they have to proceed to Kanchipuram. Due to the age factor and medical issues, it is really hard for them to travel to Kanchipuram from Chennai.

3. The learned Additional Public Prosecutor submits that the accused namely, A1, A2, A4, A5, A7 and A8 are all in Chennai and A3 & A6 are no more. The surviving accused had filed a CrI.O.P.No.2389 of 2020 seeking transfer of trial from Kancheepuram to CCB-CBCID Court, Chennai more or less on the same ground, as raised by the petitioner herein. Hence, he submitted that this case also may be transferred to the Special Court for CCB-CBCID, Egmore, Chennai.

4. Normally, in a case of seeking transfer, the other side who is likely to be affected, has to be heard. However, in this case, it is seen that the accused themselves in CrI.O.P.No.2389 of 2020 prayed for similar prayer. In view of the above, notice to the respondents 2 to 8 are not necessary and hence, the same is dispensed with.

5. Considering the submissions and on perusal of the materials, it is seen that the contention of the petitioner seems to be reasonable as the witnesses and accused are very well in Chennai and they have to travel to Kanchipuram, which is around 70 Kilometres and it takes nearly 2.15 hours to 3 hours. Considering the age of the witnesses as well as the accused, it is great difficulty for them to travel to such a long distance. Further, the next grievance of the petitioner is seeking speedy disposal, and for this purpose a Special Court has been constituted for speedy disposal of CCB-CBCID cases. This Court in CrI.O.P.No.2389 of 2020 had already given a direction to complete the trial within a period of 12 months.

6. In view of the same, the Judicial Magistrate No.I, Kanchipuram, is directed to send the case bundle along

with documents forthwith to Special Court for CCB-CBCID cases, Egmore, Chennai. Since there are 49 witnesses in this case, the trial Court is directed to complete the trial within a period of six months from the date of receipt of copy of this order. Considering the age of the respondents/accused, they are exempted from attending the Court proceedings. However, they have to appear before the Trial Court as and when they are directed by the Court below.

7. With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

dna
To

- 1.The Judicial Magistrate No.I, Kanchipuram.
- 2.The XVIII Metropolitan Magistrate, Saidapet, Chennai
- 3.The Inspector of Police
Central Crime Branch-II
Anti Land Grabbing Special Cell-II
Vepery, Chennai 600 007.
- 4.The Public Prosecutor
High Court, Madras.

+1cc to Mr.T.Ghana Banu, Advocate SR.No. 24603

CRL.O.P.No.7553 of 2021

vbm(CO)

A.SK(07.07.2021)

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