



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.19909 of 2020

K.C.Shantha

...Petitioner/Defacto Complainant

Versus

1. The State

Rep.by Inspector of Police,
Central Crime Branch,
Team 16,
Chennai,
(Cr.No.215 of 2011)
Coimbatore.

...1st Respondent/Complainant

2. Parimala

3. P.Sivakumar

4. R.Chitra

5. S.K.Raman

...Respondents 2 to 5/Accused Nos 1 to 4

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to withdraw the case in C.C.No.63 of 2013 from the file of the learned Metropolitan Magistrate, Special Court for Exclusive trial of Land Grabbing Cases - II, Allikulam, Chennai-3 and transfer the same to the learned XI Metropolitan Magistrate, Saidapet, Chennai-15.

For Petitioner : Mr.Mohamed Rafi
for M/s.S.Ganesh

For Respondents : Mr.A.Damodaran for R1
Government Advocate (Crl.Side)
Mr.C.Venkatesan for R2
for Mr.C.Samadhanarasu

ORDER

This petition has been filed to withdraw the case in C.C.No.63 of 2013 from the file of the learned Metropolitan Magistrate, Special Court for Exclusive trial of Land Grabbing Cases - II, Allikulam, Chennai-3 and transfer the same to the learned XI Metropolitan Magistrate, Saidapet, Chennai-15.



WEB COPY



2. The petitioner is the de-facto complainant and the limited prayer sought for in this petition is that C.C.No.63 of 2013 may be transferred to any other regular competent Court, CCB/CBCID Court and dispose the same.

3. The contention of the petitioner is that in this case, an FIR was registered in the year 2011 and thereafter, the charge sheet was filed before the learned XI Metropolitan Magistrate, Saidapet, Chennai-15, in C.C.No.6333 of 2011. Thereafter, on the formation of the Special Court exclusively for land grabbing, the case was transferred to the file of the Special Court for Exclusive Trial of Land Grabbing Cases-II, Allikulam, Chennai and re-numbered as CC.No.63 of 2013. Thereafter, the formation of the same has been questioned and it now the case is pending before the Supreme Court and no trial is being proceeded and the case in C.C.No.63 of 2013 is kept pending for the past seven years, without any progress.

4. Mr.C.Venkatesan for Mr.C.Samadhanarasu, the learned counsel for the second respondent has submitted that he is permitted to file his objection.

5. The learned Government Advocate (Crl.Side) has submitted that this Court already in Crl.O.P.Nos.16058 &16060 of 2018 dated 21.06.2018 has transferred the cases of similar nature, which are pending before the Land Grabbing Cases to the Regular Court. In this case, the de-facto complainant seeks transfer and the respondent police have no objection to the transfer. Further in this case, there are only 17 witnesses and all the witnesses can be produced within a stipulated time and the trial can be completed without delay.

6. In view of the same and the limited prayer sought for by the petitioner, this Court feels that no counter is necessary. Further, the respondent police is no way aggrieved in transferring the case from the Land Grabbing Court to the Competent Court.

7. Considering the submission and perused the materials, this Court is inclined to transfer the case to the Metropolitan Magistrate Court, CCB and CBCID Cases, Egmore, and the Magistrate is directed to complete the trial as early as possible preferably within a period of six months.



WEB COPY



8. With the above directions, this Criminal Original Petition is disposed of.

s/d-
Assistant Registrar(CO)

WEB COPY

True Copy

Sub-Assistant Registrar

dna

To

1. The Metropolitan Magistrate, Special Court for Exclusive trial of Land Grabbing Cases - II, Allikulam, Chennai-3.
2. The XI Metropolitan Magistrate, Saidapet, Chennai-15.
3. The Inspector of Police, Central Crime Branch, Team 16, Chennai, (Cr.No.215 of 2011) Coimbatore.
4. The Public Prosecutor High Court of Madras.
5. The Metropolitan Magistrate, CCB and CBCID Cases, Egmore, Chennai 8

+2cc to Mr.S.Ganesh, Advocate, Sr.No.44189

+1cc to Mr.Samadharmaraju, Advocate, SR.No.43824

CRL.O.P.No.19909 of 2020

SJ(CO)
KKV/09/09/2021