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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2022

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.No.23518 of 2021
and
Crl.M.P.Nos.12896 & 12899 of 2021

Saraswathy ... Petitioner

Versus

1.State rep.by
The Inspector of Police
Anti Land Grabbing Cell
Erode.
(Crime No.41/2011)

2.J.Thilagavathi ...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to C.C.No.1 of 2012 on the file of the Special Court for Land Grabbing Cases, Erode and to quash the same.

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For Petitioner : Mr.V.Regunathan

For Respondents : Mr.L.Baskaran for R1
Government Advocate (Crl.Side)

: Mr.K.Subbu Ranga Bharathi
for R2 (CGC)

ORDER

This petition had been filed to call for the records relating to C.C.No.1 of 2012 on the file of the Special Court for Land Grabbing Cases, Erode and to quash the same.

2.The Learned Counsel for the Petitioner submitted that the Petitioner filed a petition to quash the charge sheet pending on the file of the Learned Special Court for Land Grabbing Cases, Erode, in C.C.No.1 of 2012.

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3. At the time of admission on 21.01.2022, the Presiding Learned Single Judge had ordered notice to the second Respondent by 16.02.2022 but had not stayed the case pending trial.

4. Now, the Learned Counsel for the Petitioner invited the attention of this Court to the Additional Typed Set and submitted that PW1/Complainant herself had turned hostile witness during trial and furnished the copy, which is not a certified copy. Therefore, this Court cannot pass any order based on the fact that PW1 is the hostile witness.

5. The Learned Government Advocate (Crl.Side) vehemently objects the submission of the Learned Counsel for the Petitioner, stating that in the case registered by the Anti Land Grabbing Cell, Erode, investigation was completed and final report

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laid before the Special Court for Land Grabbing Cases, Erode, in which, there are 20 witnesses cited by the Investigation Officer.

6. It is the further submission of the Learned Government Advocate (Crl.Side) that as on date, 12 witnesses had been examined and 8 witnesses are yet to be examined. He further submitted that Accused Nos.1 & 2 died prior to the date of trial. Only based on the evidence adduced before the trial Court, on appreciation of the evidence, the Accused can seek remedy and not by approaching this Court under Section 482 Cr.P.C. in the midway during trial.

7. The Learned Government Advocate (Crl.Side) also cited the final report laid before the Court concerned and submitted that since the trial had proceeded to the stage of examination of 12 witnesses, it is not proper to invoke Section 482 of Cr.P.C.

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8. Considering the objection of the Learned Government Advocate (Crl.Side) that, even in the admission stage, then Learned Single Judge had not stayed the proceedings, this is not a fit case. Hence, this Petition is dismissed with a direction to the Learned Special Court for Land Grabbing Cases, Erode, to dispose of the case within a period of two months from the date of receipt of a copy of this order.

9. Accordingly, this Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed.

30.06.2022

Index: Yes/No
Internet: Yes/No
dna

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SATHI KUMAR SUKUMARA KURUP., J.
dna

To

1.The Special Court for Land Grabbing Cases, Erode.

2.The Inspector of Police
Anti Land Grabbing Cell
Erode.
(Crime No.41/2011)

3.The Public Prosecutor
High Court, Madras.

Crl.O.P.No.23518 of 2021
and
Crl.M.P.Nos.12896 & 12899 of 2021

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