



CRL.O.P (MD) No.12839 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.07.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.12839 of 2022

A.Sebastian

...Petitioner

Vs.

State Rep. by
The Inspector of Police,
District Crime Branch,
Dindigul District.

...Respondents

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to issue a direction to transfer the case in C.C.No.101 of 2018 from the Judicial Magistrate No.II, Dindigul to the Special Court for Land Grabbing Cases, Madurai.

For Petitioner : Mr.Niranjan.S.Kumar

For Respondent : Mr.R.Sureshkumar
Government Advocate (Crl.side)

ORDER

This Criminal Original Petition has been filed to transfer the case in C.C.No.101 of 2018 from the file of the learned Judicial Magistrate No.II, Dindigul to the file of the learned Special Court for Land Grabbing Cases, Madurai.



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2.The learned counsel appearing for the petitioner submitted that the petitioner/defacto complainant gave a complaint on 24.12.2015 to the respondent police, which was registered in Crime No.77 of 2015 for the offences punishable under Sections 120(b), 419, 420, 465, 468 and 471 of IPC on the file of the Dindigul District Crime Branch, Land Grabbing Special Cell. After investigation, the respondent police has filed a charge sheet and the same was taken on file in C.C.No.101 of 2018 on the file of the learned Judicial Magistrate No.II, Dindigul. The accused Nos.1 to 6 have filed a Criminal Original Petition in Crl.O.P(MD)No.19879 of 2018 for quashing the criminal proceedings in C.C.No.101 of 2018 on the file of the learned Judicial Magistrate No.II, Dindigul and the same was dismissed by this Court on 11.04.2022 and now, the case is still pending. In the meanwhile, the orders dated 05.08.2019, 27.08.2019 and 29.08.2019 passed in Crl.O.P.No.20889 of 2019 by this Court were set aside by the Hon'ble Supreme Court, by an order, dated 23.03.2022 in Crl.Appeal Nos.272-274 of 2022 with regard to transferring the Land Grabbing Cases to the regular Court. Now as on date, the jurisdiction of the concerned Special Court to deal with the Land Grabbing Cases continues. Hence, the case is registered by the Dindigul District Crime Branch, Land Grabbing Special Cell and charge sheet filed in C.C.No.101 of 2018 on the file of the learned Judicial Magistrate No.II, Dindigul has to be



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transferred to the Special Court for Land Grabbing Cases, Madurai which has jurisdiction.

3.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that based on the complaint given by the *de facto* complainant, the case has been registered in Crime No.77 of 2015 for the offences punishable under Sections 120(b), 419, 420, 465, 468 and 471 of IPC on the file of the Dindigul District Crime Branch, Land Grabbing Special Cell. After investigation, the respondent police has filed a charge sheet and the same was taken on file in C.C.No.101 of 2018 on the file of the learned Judicial Magistrate No.II, Dindigul. Now, the quashing and setting aside of G.O.Nos. 423 dated 28.07.2011 and 451, dated 11.08.2011 are now stayed by the Hon'ble Supreme Court of India and the jurisdiction of the Supreme Court to deal with the Land Grabbing Cases will continue. He has no objection to transfer the case to the Special Court for Land Grabbing Cases at Madurai.

4.Recording the said submission made by the learned Government Advocate (Crl.side), the charge sheet in C.C.No.101 of 2018 on the file of the learned Judicial Magistrate No.II, Dindigul, is hereby withdrawn and transferred the same to the file of the Special Court for Land Grabbing Cases, Madurai. The learned Judicial Magistrate No.II, Dindigul, is hereby directed to



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transmit the papers to the file of the Special Court for Land Grabbing Cases, Madurai, forthwith. On receipt of records, the Special Court for Land Grabbing Cases, Madurai, is directed to dispose of C.C.No.101 of 2018 in accordance with law.

5.With the above direction, this Criminal Original Petition stands allowed.

18.07.2022

Index : Yes / No
Internet : Yes/ No
vsd

To

- 1.The Inspector of Police,
District Crime Branch,
Dindigul District.
- 2.Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

vsd

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