



Crl.O.P.(MD).No.6449 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.(MD).No.6449 of 2023

Nanjil Murugesan

...

Petitioner

VS

The State represented by
The Inspector of Police,
All Women's Police Station,
Nagarcoil, Kanyakumari District.

...

Respondent

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C, to direct the learned Special Court for Exclusive Trial of POCSO Act cases, Nagercoil, Kanyakumari District to expedite the trial in Spl.S.C.No.52 of 2020 within stipulated time fixed by this Court.

For Petitioner

...

Mr.K.R.Rameshkumar

For Respondent

...

Mr.M.Babu Muthu Meeran

Additional Public Prosecutor

ORDER

This Criminal Original Petition is filed to direct the learned Special Court for Exclusive Trial of POCSO Act cases, Nagercoil, Kanyakumari



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District to expedite the trial in Spl.S.C.No.52 of 2020 within stipulated time fixed by this Court.

2. When the matter was taken up on 20.04.2023, it was submitted by the learned counsel for the petitioner that, there is a confusion with regard to the fact that, whether this case can be tried by the Special Court for Exclusive Trial of POCSO Act Cases, Nagercoil, Kanyakumari or the Principal District and Session Court, which is the Court identified for trying the offences against the MLAs and MPs. The case was adjourned today for getting instruction by learned Additional Public Prosecutor.

3. When the matter is taken up today, G.O.Ms.No.212 Home (Courts-II) Department dated 26.04.2019 is produced before this Court. The relevant portion of the Government Order is as follows,

“The Government of Tamil Nadu, in consultation with the High Court of Madras, hereby designates the Principal District and Sessions Courts / District Courts in every sessions division, in the State of Tamil Nadu as Special Courts, and also appoints the Principal District and Sessions Judges/ District and Sessions Judges as the Judge



of the respective Special Court, to try all the Criminal cases including Sessions cases and cases arising from (i) Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Central Act 33 of 1989), (ii) Protection of Children from Sexual Offences Act (POCSO) (Central Act 32 of 2012), (iii) exclusive trial of cases of offences against Women, (iv) Prevention of Corruption Act, 1988 (Central Act 49 of 1988), (v) Communal Clash Cases Act, (vi) Bomb Blast Cases and (vii) Land Grabbing cases, as well as cases under Special Acts, Central Acts and State Acts, involving elected Members of Parliament and Members of Legislative Assembly of Tamil Nadu.”

4. As per this Government Order, criminal offence including offence under Protection of Children from Sexual Offences Act (POCSO) (Central Act 32 of 2012) should be tried only by the learned Principal District and Sessions Court, which is the designated the Court for trying the offences involving elected members of Parliament and members of Legislative Assembly of Tamil Nadu.

5. Therefore, learned Principal District and Sessions Judge as designated Court for trying offences involving the Members of Parliament



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and Members of Legislative Assembly in Tamil Nadu is directed to dispose this case as expeditiously as possible, preferably within a period of four months from the date of receipt of a copy of this Order.

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

22.06.2023

Index: Yes/No
Internet: Yes/No
Speaking/Non speaking order
gd

To

1. The Special Court for Exclusive Trial of POCSO Act cases, Nagercoil, Kanyakumari District
2. The Inspector of Police,
All Women's Police Station,
Nagarcoil, Kanyakumari District.
3. The Public Prosecutor,
High Court, Madras.



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G.CHANDRASEKHARAN, J.

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