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Crl.O.P No.30256 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.30256 of 2022

and

Crl.M.P.No.15048 of 2023

K.Elumalai

... Petitioner/PW1

vs.

State by,

1.Inspector of Police,
CBCID,
Chennai – 32.

2.Dillibai

3.Sumathi

4.T.T.K.Duraisingam

(R2 to R4 impleaded as per order dated
20.09.2023 made in Crl.M.P.No.2135 of
2023 in Crl.O.P.No.30256 of 2022)

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to transfer the C.C.No.10 of 2011 pending on the file of Judicial Magistrate No.I, Thiruvallur to the file of Judicial Magistrate No.I, Chengalpattu.



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For Petitioner : Mr.R.Bharath Kumar
For Respondent-1 : Mr.A.Damodaran
Additional Public Prosecutor
For Respondents-3 & 4 : Mr.G.Ranganathan

ORDER

This petition has been filed seeking for transfer of the proceedings in C.C.No.10 of 2011 pending on the file of Judicial Magistrate Court No.I, Thiruvallur to any of the Judicial Magistrate Court at Chengalpet.

2. Heard the learned counsel for petitioner, learned Government Advocate (Crl. Side) appearing for the first respondent and the learned counsel appearing for the third and fourth respondents.

3. The petitioner, who is the trustee, managing the affairs of the temple gave a complaint to the effect that forged documents have been created to knock off the temple lands. An enquiry was also conducted by the District Collector, Kanchipuram and it came to light that certain original



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documents have also been removed from the office of the Sub-Registrar.

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Based on the same, the Inspector General of Registration has preferred a complaint before the Crime Branch, Chennai and an F.I.R. came to be registered in Crime No.3 of 2003 against three named accused persons and others for offences under Sections 465, 466, 467, 468, 471, 477 and 120-B r/w. 34 of I.P.C.

4. The petitioner also gave a complaint before the Central Crime Branch, Chennai on the ground that the accused persons with an intention to grab the temple property have created forged documents. Based on the same, an F.I.R. was registered in Crime No.407 of 2007 for offences under Sections 465, 468 r/w 471 and 420 of I.P.C. This case was transferred to the file of CBCID and on completion of the investigation, a final report was filed and a case is now pending in C.C.No.10 of 2011 before the learned Judicial Magistrate No.I, Thiruvallur.



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5. The F.I.R., which was registered based on the complaint given by the Inspector General of Registration, has culminated into a final report and it was taken on file by the learned XI Metropolitan Magistrate, Saidapet, Chennai in C.C.No.12116 of 2008.

6. Learned Additional Public Prosecutor submitted that in C.C.No.12116 of 2008, there are totally 54 witnesses to be examined on the side of the prosecution and out of the same, 35 witnesses have already been examined. Insofar as C.C.No.10 of 2011 is concerned, there are totally 16 witnesses to be examined on the side of the prosecution and out of the same, 3 witnesses have been examined.

7. There is commonality between the two proceedings that are now going on before two different Courts. The accused persons are also common and hence it will be more appropriate, if the case that is pending before the learned Judicial Magistrate No.I, Thiruvallur is withdrawn and transferred to



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the file of the learned XI Metropolitan Magistrate, Saidapet, Chennai. This will largely help in avoiding conflict in judgments between two Courts based on almost similar facts.

8. In the light of the above discussion, the case pending on the file of the learned Judicial Magistrate No.I, Thiruvallur in C.C.No.10 of 2011 is withdrawn and it is transferred to the file of learned XI Metropolitan Magistrate, Saidapet, Chennai. The learned Judicial Magistrate No.I, Thiruvallur shall transmit the entire case records within a period of four weeks from the date of receipt of a copy of this order to the learned XI Metropolitan Magistrate, Saidapet, Chennai. On receipt of the same, the learned XI Metropolitan Magistrate shall re-number the case and shall proceed further with the examination of the witnesses. The learned XI Metropolitan Magistrate, Saidapet, Chennai shall take all steps to complete the proceedings in both the cases within a period of six months from the date of receipt of the case records.



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9. After the order was dictated, it was brought to the notice that a witness warrant has been ordered to P.W.4 by the learned Judicial Magistrate No.I, Thiruvallur. In view of the present order, the warrant shall be recalled and after the matter is transferred to the file of the learned XI Metropolitan Magistrate, Saidapet, Chennai, fresh summons shall be issued to P.W.4 for tendering evidence.

10. This Criminal Original Petition is disposed of in the above terms. Consequently, connected miscellaneous petition is closed.

20.09.2023

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Index : Yes/No

Speaking Order/Non-Speaking Order

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- To
1. Inspector of Police,
CBCID,
Chennai – 32.
 2. The Judicial Magistrate No.I,
Thiruvallur.
 3. The XI Metropolitan Magistrate,
Saidapet, Chennai.
 4. The Public Prosecutor,
High Court of Madras.



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N. ANAND VENKATESH, J.

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