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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.19687 of 2023

Sridevi

... Petitioner

Vs.

1.The State Rep. by
Deputy Superintendent of Police,
AWPS-Omalur Police Station,
Salem District
Crime No. 29 of 2021

2.Chinna Gounder

3. Kumaresan

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the learned Principal District Judge, Salem in Spl.S.C.No.09 of 2022 to expedite the trial and complete the trial within a time frame as fixed by this Court and pass further orders.

For Petitioner

: Mr.Ali Hassan Khan

For Respondent

: Mr.A.Damodaran
Additional Public Prosecutor for R1
Mr.C.Deepak Kumar for R2



ORDER

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This petition has been filed for a direction to the learned Principal District Judge (Special Court under SC/ST Cases), Salem to dispose of the Spl.S.C.No.09 of 2022 expeditiously, within the time frame fixed by this Court.

2.The learned Additional Public Prosecutor on instructions submitted that case and counter in Crime No.29 of 2021 and Crime No.30 of 2021 was investigated and final report has been filed in both the crime numbers after the completion of the investigation. The learned Additional Public Prosecutor further submitted that Crime No.29 of 2021 ended up before the learned Principal District Judge, Salem and the same has been taken on file in Spl.S.C.No.09 of 2022 and this case pertains to offences committed under the SC/ST Act. The other FIR in Crime No.30 of 2021 ended up before the learned Judicial Magistrate, Omalur and it is pending in C.C.No.167 of 2022. Till date, the case that is pending in C.C.No.167 of 2022 has not been transferred to the file of the Special Court to be tried along with Spl.S.C.No.09 of 2022.

3.Taking into consideration the submissions made by the learned Additional Public Prosecutor and the facts and circumstances of the case, both the cases must be tried in line with the judgment of the Apex Court in *Nathi Lal and others vs. State of*



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Uttarpradesh and another reported in ***1990 (Supp) SCC 145***. The cases cannot be tried by two different Courts. In view of the same, the case that is pending on the file of the learned Judicial Magistrate, Omalur in C.C.No.167 of 2022 is withdrawn and transferred to the learned Principal District Judge (Special Court for SC/ST Cases), Salem .

4.The learned Principal District Judge shall deal with both the cases in line with the judgment of the Apex Court in ***Nathi Lal and others vs. State of Uttarpradesh and another*** reported in ***1990 (Supp) SCC 145***. The proceedings shall be completed within a period of six months thereafter. The learned Judicial Magistrate, Omalur shall immediately transfer the case file to the learned Principal District Judge, Salem, within a period of four weeks.

5.This criminal original petition is disposed of with the above directions.

29.08.2023

Index : Yes/No
Internet : Yes/No
Speaking/Non-Speaking Order
ssr



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N.ANAND VENKATESH, J

SSR

To

1. The Principal District Judge, Salem
2. The Deputy Superintendent of Police,
AWPS-Omalur Police Station,
Salem District
3. The Public Prosecutor.

Crl.O.P.No.19687 of 2023

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