



**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 08.02.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH**

**CRL.O.P No.2263 of 2024**

D.Arulanandu

...Petitioner

Vs.

1.The Inspector Police,  
Anti Land Grabbing Special Cell,  
Kancheepuram.  
(Crime No.96 of 2013)

2.Balakotta Reddy

3.Sivaprasad Reddy

...Respondents

**PRAYER** : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to withdraw the above CC.No.241 of 2015 from the file of the Learned Judicial Magistrate -II, Chengalpattu and transfer the same to any of Metropolitan Magistrate Court in Chennai and consequently direct the trial court to complete the trial and pronounce the judgment within a limit fixed by this Court.

For Petitioner : Mr.Abdul Razack

For Respondents : Mr.A.Damodaran  
Additional Public Prosecutor for R1



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## **ORDER**

This criminal original petition has been filed seeking for transfer of the case pending in CC.No.241 of 2015 on the file of the learned Judicial Magistrate -II, Chengalpattu to any other Metropolitan Magistrate Court in Chennai.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the 1<sup>st</sup> respondent.

3.The petitioner is the *defacto* complainant. The investigation was completed and final report was filed before the learned Judicial Magistrate-II, Chengalpattu in the year 2015 and it was taken on file in C.C.No.241 of 2015. There was absolutely no progress in the trial and therefore, the petitioner filed Crl.O.P.No.21495 of 2018 seeking for a direction to the learned Magistrate to expedite the trial and to complete the proceedings within the time fixed by this Court. This petition came up for hearing on 16.12.2020. This Court passed the final orders and directed the learned Magistrate to conclude the proceedings, within a period of four months and to file a compliance report.

4.Pursuant to the above order, the examination of witnesses on the side of the prosecution was completed and the case was posted for questioning under



Section 313 of Cr.P.C., on 23.08.2022. On that day, the questioning was done and the case was thereafter posted on 05.09.2022 for defence side witness.

5.The grievance of the petitioner is that from 05.09.2022 onwards, till 29.01.2024, there was no progress in the case and A1 and A2 were also absenting themselves continuously and no steps were taken by the Court below to conclude the proceedings. Therefore, the present criminal original petition has been filed before this Court seeking for transfer of the case to some other Court.

6.The learned Additional Public Prosecutor on instruction submitted that the Presiding Officer of the concerned Court was on the maternity leave and therefore, the cases in this Court was handled by the in-charge Magistrate. Therefore, no progress was made. The learned Additional Public Prosecutor further submitted that the case is now posted on 05.03.2024 for defence side witnesses. It was also brought to the notice of this Court that steps have been taken to bring in regular Presiding Officer to conduct the Court proceedings.

7.Taking into consideration the facts and circumstances of the case and also the earlier orders passed by this Court and also of the fact that this case has been pending from the year 2015 onwards, there shall be a direction to the



learned Judicial Magistrate-II, Chengalpattu to dispose of the case by 01.04.2024. A compliance report shall be filed before this Court after the completion of the proceedings. It is made clear that if A1 and A2 continue to drag on the proceedings, the Court below shall adopt the procedure provided by the Apex Court in *State of Uttar Pradesh vs. Shambhu Nath Singh* reported in *JT 2001 (4) SC 3191* and ensure the completion of the case within the time stipulated by this Court.

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

**08.02.2024**

Index: Yes/No  
Speaking order/Non-speaking Order  
Neutral Citation: Yes/No  
ssr

To

1.The Judicial Magistrate -II, Chengalpattu.

2.The Inspector Police,  
Anti Land Grabbing Special Cell,  
Kancheepuram.

3.The Public Prosecutor,  
High Court, Madras.



**Copy to:** The Principal District & Sessions Judge, Chengalpattu.

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**N.ANAND VENKATESH, J**

SSR

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