



WEB COPY



W.P.No.12035 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

W.P.No.12035 of 2024

Ragini

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Secretary,
Department of Home,
Fort St.George,
Chennai -9.

2. The Deputy Superintendent of Police,
Q Branch, Dharampuri.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the first respondent to consider the representation dated 17.04.2024 of the petitioner by constituting a Review Committee to examine the prayer of the petitioner to transfer the case in Spl.S.C.No.3 of 2022 on the file of the Special Court under POTA Act, Poonamallee at Chennai to regular Court at Chennai to try the case under ordinary penal law except POTA provisions to secure the ends of justice.



W.P.No.12035 of 2024

For Petitioner : Mr.R.Sankarasubbu
For Respondents : Mr.E.Raj Thilak,
Additional Public Prosecutor

ORDER

(Order of the Court was made by *S.M.SUBRAMANIAM, J.*)

The writ of mandamus has been instituted to direct the first respondent to consider the representation on 17.04.2024 for constitution of a Review Committee to examine the claim of the petitioner to transfer the case in Spl.S.C.No.3 of 2022 on the file of the Special Court under POTA Act, Poonamallee at Chennai to regular Court at Chennai to try the case under ordinary penal law except POTA provisions.

2. The grievances of the petitioner is that the case is pending for about 22 years and trial is yet to be completed. The Prevention of Terrorism Act (POTA) expired in the year 2004. Therefore, it is unnecessary to treat the case as a Special case under POTA Act. Since the Act expired, the trial may be conducted through regular Court under the penal law.

3. With reference to the representation submitted by the petitioner, the



W.P.No.12035 of 2024

learned Additional Public Prosecutor would submit that it is under the active consideration of the Government and a decision will be taken as expeditiously as possible.

4. Since the grievances of the petitioner is under consideration by the Government, we are inclined to direct the first respondent to take a decision on merits and in accordance with law within a period of six (06) weeks from the date of receipt of a copy of this order. Long delay would cause prejudice to the interest of the accused persons as the case is pending for about 22 years. Thus, the first respondent shall comply with this order without seeking any further extension of time.

5. Accordingly, the Writ Petition stands **disposed of**. No costs.

[S.M.S., J.]

[V.S.G., J.]

28.08.2024

Index: Yes/No
Speaking/Non-speaking order
veda

To



W.P.No.12035 of 2024

WEB COPY

1. The State of Tamil Nadu,
Represented by its Secretary,
Department of Home,
Fort St.George,
Chennai -9.
2. The Deputy Superintendent of Police,
Q Branch, Dharampuri.
3. The Public Prosecutor,
Madras High Court,
Chennai - 104.



WEB COPY



W.P.No.12035 of 2024

S.M.SUBRAMANIAM, J.
AND
V.SIVAGNANAM, J.

veda

W.P.No.12035 of 2024

28.08.2024