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Crl.O.P.No.15983 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

**Crl.O.P.No.15983 of 2023
and Crl.M.P.No.10219 of 2023**

Ravichandran @ Ravi @ Mattu Ravi .. Petitioner

Versus

**State rep. by its
The Inspector of Police,
Thiruvarur Town Police Station,
Thiruvarur.
(Crime No.675 of 2011) .. Respondent**

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to withdraw the case in S.C.No.15 of 2017 on the file of the Sessions Court for Exclusive Trial of Bomb-Blast cases, Poonamallee, Chennai and transfer the same to the file of Principal Sessions Court at Thiruvarur for conducting trial.

For Petitioner : Mr.K.Kannan

**For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor**



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ORDER

This petition has been filed seeking for transfer of the case in S.C.No.15 of 2017 pending before the Special Court for Exclusive Trial of Bomb-Blast Cases, Poonamallee, Chennai to the file of the Principal Sessions Court at Thiruvavur.

2. Heard Mr.K.Kannan, learned Counsel for the petitioner and Mr.A.Gopinath, learned Additional Public Prosecutor for the respondent.

3. The case of the prosecution is that on 22.12.2011 at about 10.15 A.M, the accused persons joined together as an unlawful assembly and intercepted the injured, Shaik Davood @ Seth Marakkair and he was attacked indiscriminately with Aruval. That apart, A1 had also hurled a country bomb on the injured. In view of this incident, an F.I.R was registered in Crime No.675 of 2011 by the respondent Police. Ultimately, Final Report was filed against six accused persons for offences under Sections 147, 148, 341, 326 and 307 of I.P.C and under Sections 3(a), 4(a)(i) of the Explosive Substances Act, 1908 read with Section 149 of I.P.C.



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4. The Final Report was taken cognizance by the Special Court for Bomb-Blast Cases, Poonamallee and it is pending in S.C.No.15 of 2017. It is also brought to the notice of this Court that charges have been framed by the Court and that the examination of the witnesses is yet to commence.

5. The short issue that arises for consideration is as to whether the case in hand has to be tried by the Special Court for Bomb-Blast Cases, Poonamallee or it can be tried before the regular Principal Sessions Court at Thiruvavur. To decide this issue, it will be more beneficial to take notice of the judgment of the Division Bench in W.P.(MD).Nos.19496 of 2017 etc., dated 14.06.2018. For proper appreciation, the relevant portion is extracted hereunder:-

" 24. On perusal of the Circular dated 03.04.2017, it is clear that a Sessions Case involving the offence under Explosive Substances Act can be made over to the Sessions Court for exclusive trial of Bomb Blast Cases, Chennai at Poonamallee or at Coimbatore depending upon the sensitive nature of the cases (emphasis added). Further, as per the Circular dated 03.04.2017, the concerned Judicial Magistrates, before whom the Charge Sheet are filed by the investigation officer, are restrained from directly committing the cases involving Explosive



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Substances Act to those specially constituted Sessions Courts for exclusive trial of Bomb Blast Cases, Chennai at Poonamallee or at Coimbatore. If a harmonious interpretation to the word 'sensitive cases' (emphasis added) is to be given, in our opinion, it would mean and include (i) those cases involving an offence which shook the collective conscience of the society and the outcome of such cases will have a profuse and far-reaching impact on the society (ii) those cases, whose result is eagerly awaited due to the nature of offence involved therein, by larger number of sections of the society other than the litigant to the case etc.,. Further, if cases that are investigated by premier investigating agencies like CB CID, Anti Terrorist Squad, National Investigation Agency, Central Bureau of Investigation etc., then those cases can be considered as 'sensitive cases' and they can be made over to the Sessions Court for exclusive trial of Bomb Blast Cases, Chennai at Poonamallee or at Coimbatore. The two Sessions Courts for exclusive trial of Bomb Blast Cases, Chennai at Poonamallee or at Coimbatore and the Sessions Court at various Districts cannot be equated to the Court of the District and Sessions Judge, being Additional Sessions Court, they will have concurrent jurisdiction and as such Bomb Blasts Court at Poonamallee, Chennai and at Coimbatore cannot be construed as Special Courts exclusively for trial of offences involving explosive substances. Those Courts are set up only to arrest the burgeoning docket explosion of the cases and with an avowed object to expeditiously dispose the cases involving the offences under Explosive Substances Act. In fact, they can even try other sessions cases not including Explosive



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Substances Act, if made over to them by the Principal Sessions Judge concerned. While so, we notice that in none of the orders, which are impugned in these writ petitions, reasons have been assigned as to why a particular Sessions Case is being transferred to the file of Sessions Court for exclusive trial of Bomb Blast Cases, Chennai at Poonamallee or at Coimbatore. Thus, mechanically, the orders, which are impugned in these writ petitions, have been passed, transferring the Sessions Cases involving offences punishable under the Explosive Substances Act, Merely because an offence punishable under the Explosive Substance Act is involved in a Sessions Case, it will not be a reason to transfer such a Sessions Case to the Sessions Court for exclusive trial of Bomb Blast Cases, Chennai at Poonamallee or at Coimbatore."

6. It is clear from the above that the Division Bench of this Court took note of the circular, dated 03.04.2017 and came to the conclusion that it is only in sensitive cases which involves shocking the collective conscience of the society and the outcome of such cases will have a far-reaching impact on the society and also in cases where a large section of the society other than the litigant will be effected, that are meant to be tried before the Special Court. In all the other cases, just because it involves an offence under the Explosive Substances Act, it cannot be mechanically transferred to the Special Court for trial.



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7. The case in hand does not fall within the term "sensitive cases".

The case in hand can as well be tried by the Sessions Court at Thiruvarur and it is not necessary to try this case before the Special Court.

8. In the light of the above discussion, there shall be a direction to the Sessions Court for Exclusive Trial of Bomb-Blast Cases, Poonamallee to immediately transfer the entire case records to the file of the Principal Sessions Court, Thiruvarur and the Principal Sessions Court at Thiruvarur shall commence the proceedings from the stage of examination of witnesses. The Principal Sessions Court at Thiruvarur shall conduct the proceedings on a day to day basis since the case has been pending from the year 2017. The concerned Court shall follow the dictum of the Hon'ble Apex Court in ***Vinod Kumar Vs. State of Punjab***¹ in this regard. If any of the accused persons prevent the progress of the trial and involve in activities which prolong the completion of the trial, it is left open to the concerned Court to go ahead in line with the judgment of the Hon'ble Apex Court in ***State of Uttar Pradesh Vs. Shambhu Nath Singh***². In any event, the Principal

¹ 2015 (1) MLJ (CrI) 288 SC

² JT 2001 (4) SC 3191



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Sessions Court at Thiruvavarur shall complete the proceedings within a period of six months from the date of receipt of a copy of this Court. The Sessions Court for Exclusive Trial of Bomb-Blast Cases shall transfer the case files to the Principal Sessions Court at Thiruvavarur within a period of two weeks from the date of receipt of a copy of this order.

9. This Criminal Original Petition is disposed off with the above directions. Consequently, connected miscellaneous petition is closed.

24.07.2023

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To

1. The Sessions Court for Exclusive Trial of Bomb-Blast cases, Poonamallee, Chennai.
2. The Principal Sessions Court, Thiruvavarur.
3. The Public Prosecutor, High Court of Madras.
4. The Inspector of Police, Thiruvavarur Town Police Station,



Thiruvananthapuram.

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N.ANAND VENKATESH, J.
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