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Crl.O.P.No.1026 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No. 1026 of 2025

C. Velmurugan

... Petitioner

Vs.

The State,
represented by Inspector of Police,
Thirumanur Police Station,
Ariyalur District

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 to direct the respondent-police to file a complaint under MMDR Act before the Special Court/Principal District and Sessions Court, Ariyalur on the FIR No.127 dated 22.06.2023 registered under 21(1) Mines and Minerals (Development & Regulation) Act, (MMDR Act), 1957, pending on the file of the respondent police and consequently issue a direction to the Judicial Magistrate-II, Ariyalur to commit the case C.C.No.120 of 2024 on the file of the Judicial Magistrate-II, Ariyalur (in which cognizance taken in Section 379 IPC arise in FIR No.127 dated 22.06.2023 registered on the file of the respondent's Police) to the Special Court/Principal District and Sessions Court, Ariyalur and issue a further direction to the Special Court/Principal District and Sessions Court, Ariyalur to conduct a Joint Trial in the above said both the IPC offence as well as the MMDR offence within a time framed by this Court

For Petitioner : Mr. R. Venkatesulu

For Respondents : Mr.A.Gopinath,
Govt. Advocate (crl.side)

ORDER



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This Criminal Original Petition has been filed to direct the respondent-police to file a complaint under MMDR Act before the Special Court/Principal District and Sessions Court, Ariyalur on the FIR No.127 dated 22.06.2023 registered under 21(1) Mines and Minerals (Development & Regulation) Act, (MMDR Act), 1957, pending on the file of the respondent police and consequently issue a direction to the Judicial Magistrate-II, Ariyalur to commit the case C.C.No.120 of 2024 on the file of the Judicial Magistrate-II, Ariyalur (in which cognizance taken in Section 379 IPC arise in FIR No.127 dated 22.06.2023 registered on the file of the respondent's Police) to the Special Court/Principal District and Sessions Court, Ariyalur and issue a further direction to the Special Court/Principal District and Sessions Court, Ariyalur to conduct a Joint Trial in the above said both the IPC offence as well as the MMDR offence within a time framed by this Court.

2. According to the petitioner, based on a false complaint lodged by the VAO, Elakurichi, a case in Cr.No.127 of 2023 was registered against the petitioner/A1 and 2 others for the offence under section 379 of IPC and 21(1) of Mines and Minerals (Development and Regulation) Act, 1957. Pursuant to which, a final report was filed and the same has been taken



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cognizance in CC.No.120 of 2024 before the Judicial Magistrate-II, Ariyalur. According to the petitioner, as per the decision of the Apex Court reported in ***Jayant and others Vs. State of Madhya Pradesh (2021(2) SCC 670***,, it is held that on registration of FIR, when charge sheet be filed before the Magistrate Court, he may direct to commit the case to Special Court and the Special Court before whom a private complaint is filed for the very same offence under MMDR Act, shall take up both the cases registered under IPC and private complaint under MMDR Act for joint trial, but till date, the respondent police failed to take necessary steps to file complaint before the Special Court constituted under the Mines and Minerals (Development and Regulation) Act, hence he prayed for issuing direction to the Judicial Magistrate II, Ariyalur to commit the case in C.C.No.120 of 2024 from its file to Special Court/Prl. District and Sessions Court, Ariyalur to conduct a joint trial.

3. Learned Govt. Advocate (Crl. Side) submitted that the petitioners without obtaining any permission from the Government, carried nine sand bags in three two wheelers from Kollidam river. Hence a complaint was lodged by the VAO concerned against this petitioner/A1 and two others. On investigation, the respondent police filed final report before the Judicial



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Magistrate II, Ariyalur and the same has been taken cognizance in
CC.No.120 of 2024 under section 379 IPC and 21 of MMDR Act, 1957.

4. Heard both sides and perused the materials available on record.

5. The relief sought in this writ petition cannot be granted, however,
the trial court is directed to complete the trial in C.C.No.120 of 2024
within a period of six months from the date of receipt of a copy of this order.

6. With the above direction, this criminal original petition is disposed
of.

19.02.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
msr

To

1.The Inspector of Police,
Thirumanur Police Station,
Ariyalur District
2. The Judicial Magistrate-II, Ariyalur



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G.K.ILANTHIRAIYAN, J.

msr

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