

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 25.06.2025

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CORAM:

THE HONOURABLE Dr.JUSTICE R.N.MANJULA

Crl.O.P.(MD)No.8009 of 2025 &
Crl.M.P.(MD)Nos.6025 & 7788 of 2025

A.G.Ponn Manickavel,
S/o.A.K.Ganapathi Thevar,
No.19, Kamarajar Salai,
Kottivakkam,
Chennai – 600 041.

Petitioner(s)

versus

The Deputy Inspector General/
Investigation Officer,
Central Bureau of Investigation,
(SC-II) Delhi Plot No.5-B, 6th Floor,
CGO Complex, Lodhi Road,
New Delhi – 110 003.
RC 14(S) 2022/CBI/SC II/ND

Respondent(s)

For Petitioner(s):

Mr.Arul Vadivel @ Sekar
Senior Counsel
for M/s.Arul Vadivel Associates

For Respondent(s):

Mr.N.Mohideen Basha
Special Public Prosecutor for CBI Cases

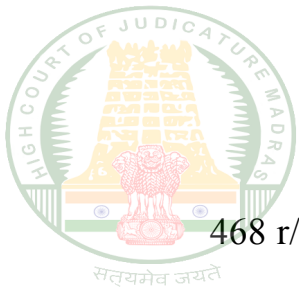


ORDER

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The petitioner, claiming to be the Head of the Idol Wing (who registered a case in Crime No.1 of 2017) has filed this petition, seeking a direction to the learned Chief Judicial Magistrate, Madurai, to return the closure report in Cr.No.RC 14(S)/2022/CBI/SC II/ND of CBI PS, dated 10.06.2024, filed by the respondent and further to direct the respondent to file the same before the learned Additional Chief Judicial Magistrate, Madurai.

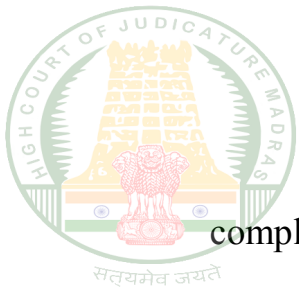
2. The learned Senior Counsel appearing for the petitioner, by referring to the Notification dated 22.05.2024 submits that the Government has notified the Additional Chief Judicial Magistrate Court, Madurai, as the Special Court for trial of idol theft cases, covering the Districts of Dindigul, Kanniyakumari, Karur, Madurai, Pudukkottai, Ramanathapuram, Sivaganai, Tenkasi, Tirunelveli, Tiruchirappalli, Theni, Thoothukudi and Virudhunagar. The case in Crime No.1 of 2017 registered by the Idol Wing pertains to the jurisdiction of Virudhunagar District. The Idol Wing CID, Chennai, has registered a case against one Kader Batcha and one Subburaj and other police personnel for the offence under Sections 392 r/w. 397 IPC, 331, 168, 506(i) & (ii), 348,



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468 r/w. Section 5 of Antiquities Arts and Treasures Act of 1972, Section 166A(a), (b) and (c) of IPC r/w. Section 166 r/w. Section 27 of Arms Act 1959. Aggrieved over the case registered in Crime No.1 of 2017, the accused No.1 Kader Batcha, has made representations to the Director General of Police to transfer the investigation from the file of the Idol Wing CID to CBCID. The said Kader Batcha has also filed a petition before this Court in Crl.O.P.No.18583 of 2019 seeking a direction to the Director General of Police to register a case through Additional Director General of Police, CBCID Wing or Deputy Superintendent of Police, CBCID Wing based on his representations dated 20.04.2019 and 15.06.2019, wherein, this Court, by order dated 22.07.2022, directed the Director of CBI to take cognizance of the said representations dated 20.04.2019 and 15.06.2019 and the case in Crime No.1 of 2017 on the file of the Idol Wing CID, Chennai and to conduct re-investigation.

3. The learned Senior Counsel further submitted that based on the direction of this Court, one FIR is re-registered against Kader Batcha and another FIR is registered against the petitioner. In the FIR registered against Kader Batcha, a closure report in RC14(S)2022/CBI/SC II/ND dated 10.06.2024 was filed before the Chief Judicial Magistrate, Madurai. Referred Charge Sheet notice was also served to the defacto



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complainant Ashok Natarajan. The defacto complainant as well as the petitioner have filed protest petitions before the learned Judicial Magistrate and the same are pending. While so, the CBI has forwarded a copy of the First Information Report against the petitioner in FIR No.RC0502024S0013, dated 08.08.2024, to the Additional Chief Judicial Magistrate, Madurai, as per the Notification dated 22.05.2024. Once the CBI has chosen to send the First Information Report as against the petitioner before the competent Court, namely, the Additional Chief Judicial Magistrate, Madurai, as per the Notification, the final report filed against Kader Batcha in RC14(S)2022/CBI/SC II/ND dated 10.06.2024 also ought to have been filed only before the Additional Chief Judicial Magistrate, which Court is notified for idol theft cases, instead of Chief Judicial Magistrate, Madurai.

4. The learned Senior Counsel for the petitioner has also relied on the provisions under Section 9(1) of BNSS and the same is extracted as under:

“9. Courts of Judicial Magistrates.

(1) In every district there shall be established as many Courts of Judicial Magistrates of the first class and of the second class, and at such places, as the State Government may, after consultation with the High Court,



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by notification, specify: Provided that the State Government may, after consultation with the High Court, establish, for any local area, one or more Special Courts of Judicial Magistrates of the first class or of the second class to try any particular case or particular class of cases, and where any such Special Court is established, no other Court of Magistrate in the local area shall have jurisdiction to try any case or class of cases for the trial of which such Special Court of Judicial Magistrate has been established.”

5. The Notification issued by the Government is also extracted as under:

“Notification – II

(G.O.Ms.No.275, Home (Courts-II), 16th April 2024)

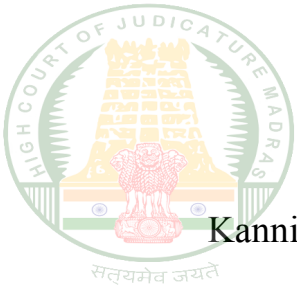
No.II(2)/HO/426/2024 – In exercise of the powers conferred by the proviso to sub-section (1) of Section 11 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), the Governor of Tamil Nadu, after consultation with the High Court, Madras, hereby designates the Additional Chief Judicial Magistrate Court, Madurai as Special Court for trial of idol theft cases covering the districts of Dindigul, Kanniyakumari, Karur, Madurai, Pudukkottai, Ramanathapuram, Sivagangai, Tenkasi, Tirunelveli, Tiruchirappalli, Theni, Thoothukudi and Virudhunagar.”



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6. Mr.N.Mohideen Basha, learned Special Public Prosecutor for CBI cases, appearing for the respondent, submitted that the Chief Judicial Magistrate Court, Madurai is a designated Court for CBI cases and hence the closure report has been filed before that Court. It is further submitted that the FIR registered against the petitioner in FIR No.RC0502024S0013, dated 08.08.2024 has also been investigated by CBI and in that also, final report has been filed on 16.06.2025 before the Chief Judicial Magistrate Court, Madurai. It is further submitted that the above case has been registered against the petitioner on the complaint given by one of the accused Kader Batcha and the investigation has been carried out on the above complaint after registering FIR, on the direction of this Court; and hence it would be appropriate for the Chief Judicial Magistrate Court, Madurai to deal both cases i.e., (i) against the petitioner and (ii) against Kader Batcha.

7. There is no disagreement with regard to the fact that in pursuant to the Government Order in G.O.Ms.No.275, Home (Courts-II), 16.04.2024, Kurothi, Thiruvalluvar Aandu - 2055 in No.II(2)/HO/426/2024 issued by the Home Department, after consultation with the High Court, a Special Court has been designated to try the cases pertaining to Idol theft covering the Districts of Dindigul,



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Kanniyakumari, Karur, Madurai, Pudukkottai, Ramanathapuram, Sivaganai, Tenkasi, Tirunelveli, Tiruchirappalli, Theni, Thoothukudi and Virudhunagar. Both the closure report against Kader Batcha and the final report filed against this petitioner, very much relate to the cases involving Idol theft.

8. In such case, it would have been appropriate for the respondent to file both the closure report in respect of Kader Batcha and final report in respect of this petitioner before the Special Court i.e., Additional Chief Judicial Magistrate Court, Madurai. The Additional Chief Judicial Magistrate Court, Madurai, is the Court designated to deal with Idol theft cases. There need not be any confusion in deciding the jurisdiction of the Court, irrespective of the fact which of the investigation agencies has done the investigation in these types of cases.

9. Unless and until, the above Court is de-notified and ceased to be the Special Court, the Government Order in G.O.Ms.No.275, Home (Courts-II), 16.04.2024, Kurothi, Thiruvalluvar Aandu - 2055 in No.II(2)/HO/426/2024 issued by the Home Department holds good and the jurisdiction with regard to the idol theft cases would very much lie with the Additional Chief Judicial Magistrate Court, Madurai.



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10. The learned counsel appearing for one of the accused, by name, Kader Batcha has filed a petition to implead himself as a party to this petition. To be noted that this petition has been filed just to seek a direction from this Court against the respondent to file a final report / closure report pertaining to the cases involving Idol theft before the Additional Chief Judicial Magistrate Court, Madurai, instead of the Chief Judicial Magistrate Court, Madurai.

11. Even though Kader Batcha is a person against whom the closure report is filed, his interest will not be affected if a direction is given to the Chief Judicial Magistrate Court, Madurai, to return the closure report / final report pertaining to the cases involving Idol theft to the respondent in order to enable them to file it before the Additional Chief Judicial Magistrate Court, Madurai. This order does not deal with any merits or demerits with regard to the closure report and hence, he is not a necessary party to be impleaded and heard.

12. As the limited prayer of the petitioner is to direct the respondent to file the final report pertaining to the Idol theft cases as per the Government Order already issued in this regard, I feel it is appropriate to issue the direction as prayed.



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13. In the result, this Criminal Original Petition is allowed and the Chief Judicial Magistrate Court, Madurai is directed to return the Closure Report filed by the respondent in respect of Kader Batcha along with the final report filed in respect of this petitioner to the respondent immediately, in order to enable the respondent to re-submit the same before the Additional Chief Judicial Magistrate Court, Madurai as notified under the Government Order in G.O.Ms.No.275, Home (Courts-II), 16.04.2024, Kurothi, Thiruvalluvar Aandu - 2055 in No.II(2)/HO/426/2024 issued by the Home Department, with a period of two weeks from taking back the closure report and final report. Consequently, connected Miscellaneous Petitions are closed.

25.06.2025

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Note: Issue order copy today i.e., on 01.07.2025

To

1.The Chief Judicial Magistrate, Madurai.

2.The Deputy Inspector General/
Investigation Officer,
Central Bureau of Investigation,
(SC-II) Delhi Plot No.5-B, 6th Floor,
CGO Complex, Lodhi Road,
New Delhi – 110 003.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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Dr.R.N.MANJULA, J.

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