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CRL RC No. 554 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-06-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

CRL RC No. 554 of 2018

AND

CRL MP NO. 6542 OF 2018

M.Manivannan, M/a 60 Years,
S/o.Late T.N.Masilamani, No.240 46th Street
T.V.S.Colony, Anna Nagar West Extension,
Chennai.

..Petitioner

Vs

K.Anantharaj,
S/o.C.N.Kuganatham No.E2 6th Cross Street,
Tiruvalluvar Nagar, Tiruvanmiyur, Chennai.

..Respondent

Prayer : To set aside the order dated 06.03.2018 made in Crl.M.P.No.7327 of 2017 in S.C.No.44 of 2017 passed by the Principal Sessions Judge, chennai.

For Petitioner :	No Appearance
For Respondent :	Mr.S.Sathiachandran

Order

(Order of the Court was made by S.M.Subramaniam J.)

The present Criminal Revision Case has been instituted challenging the order of the Court of Sessions at Chennai dated 06.03.2018 in C.M.P.No.7327 of 2017 in S.C.No.44 of 2017 passed by the Principal Sessions Judge, Chennai.

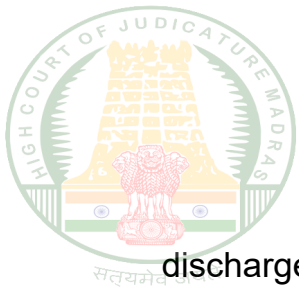


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2. The petitioner before this Court is an accused in S.C.No.44 of 201. The respondent is the complainant and the petitioner filed a petition for discharge under Section 227 of Criminal Procedure Code (Section 250 of BNSS, 2023). The petition seeking discharge was dismissed by the Principal Sessions Judge, which resulted in filing of the present Criminal Revision Case. The main ground raised in the present revision is that, cognizance was taken by the learned Magistrate after the date of effecting the amendment ie., from 26.01.2016. Special Court is the competent Court to deal with the cases and therefore cognizance taken by the Magistrate is improper and on that ground the accused sought for discharge from the criminal case.

3. The fact remains that the jurisdictional Magistrate has taken cognizance on 24.03.2016 after the amendment ie., with effect from 26.01.2016. Even after the cognizance is taken by the learned jurisdictional Magistrate after amendment, it is not in dispute that the case was committed to the jurisdictional Special Court for further proceedings.

4. In the present case, the Special Court is already seized of the matter and thus, no further adjudication needs to be undertaken. Initial cognizance taken by the jurisdictional Magistrate *per se* would not constitute a ground for



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discharge. Certain procedural infirmities regarding remand or taking cognizance would not vitiate the entire proceedings and this being the legal principle, this Court does not find any other reason to consider the present petition. The case was registered in 2017 and is pending for the past nine years. Thus, we request the Special Court to proceed with the trial and dispose of the same as expeditiously as possible.

5. The Criminal Revision Case is dismissed. Consequently, connected miscellaneous petition is closed.

(S.M.S.,J.) (N.S.,J.)
15-06-2026

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

KST

To

The Principal Sessions Judge
Chennai.



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**S.M.SUBRAMANIAM J.
AND
N.SENTHILKUMAR J.**

KST

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