

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **05.08.2019**

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THE HON'BLE MR.JUSTICE **N.ANAND VENKATESH**

**Crl.O.P.No.20889 of 2019**

S.Natarajan

... Petitioner

Vs.

State Rep. by  
The Inspector of Police,  
Central Crime Branch,  
Team – XVI-A, (Cr.No.434/2015)  
Vepery, Chennai-600 007.

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 439(2) of Cr.P.C., to transfer the case in Crime No.434 of 2015 on the file of the respondent from the Special Court for Land Grabbing Cases No.II, Chennai to the Court of CCB and CBCID, Metropolitan Magistrate, Egmore, Chennai, who is having the competent jurisdiction to try the case.

For Petitioner : Mr.C.S.Dhanasekaran

For Respondent : Mr.M.Mohamed Riyaz  
Additional Public Prosecutor

**ORDER**

This petition has been filed seeking to transfer the final report which is pending before the Special Court for Land Grabbing Cases

No.II, Chennai to the Court of CCB and CBCID, Metropolitan Magistrate, Egmore, Chennai.

2.It is seen from records that the investigation has been completed and a final report has also been filed by the respondent police before the Special Court. In view of the pendency of the case before the Hon'ble Supreme Court, the Special Court will not be in a position to take cognizance of the final report. Therefore, the present petition has been filed to transfer the final report to the Court of the CCB and CBCID, Metropolitan Magistrate, Egmore, Chennai.

3.Taking into consideration the facts and circumstances of the case, there shall be a direction to the respondent police to take back the final report from the Special Court for Land Grabbing Cases No.II, Chennai, and to file the same before the CCB and CBCID, Metropolitan Magistrate, Egmore, Chennai. This exercise shall be completed within a period of two weeks from the date of receipt of a copy of this order. Immediately on receipt of the final report, the Court of CCB and CBCID, Metropolitan Magistrate, Egmore, Chennai is directed to take cognizance of the final report and proceed further in accordance with law.

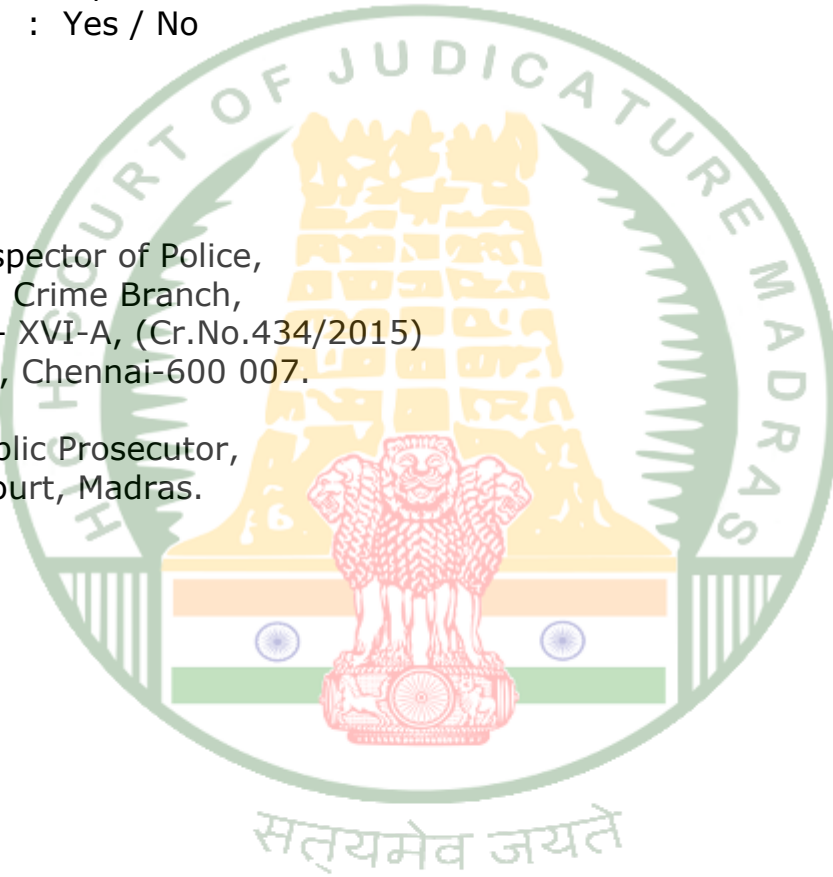
4.Accordingly, this Criminal Original Petition is disposed of  
disposed of with the above directions. No costs.

**05.08.2019**

Index : Yes / No  
Internet : Yes / No  
vs/jas

To

- 1.The Inspector of Police,  
Central Crime Branch,  
Team – XVI-A, (Cr.No.434/2015)  
Vepey, Chennai-600 007.
- 2.The Public Prosecutor,  
High Court, Madras.

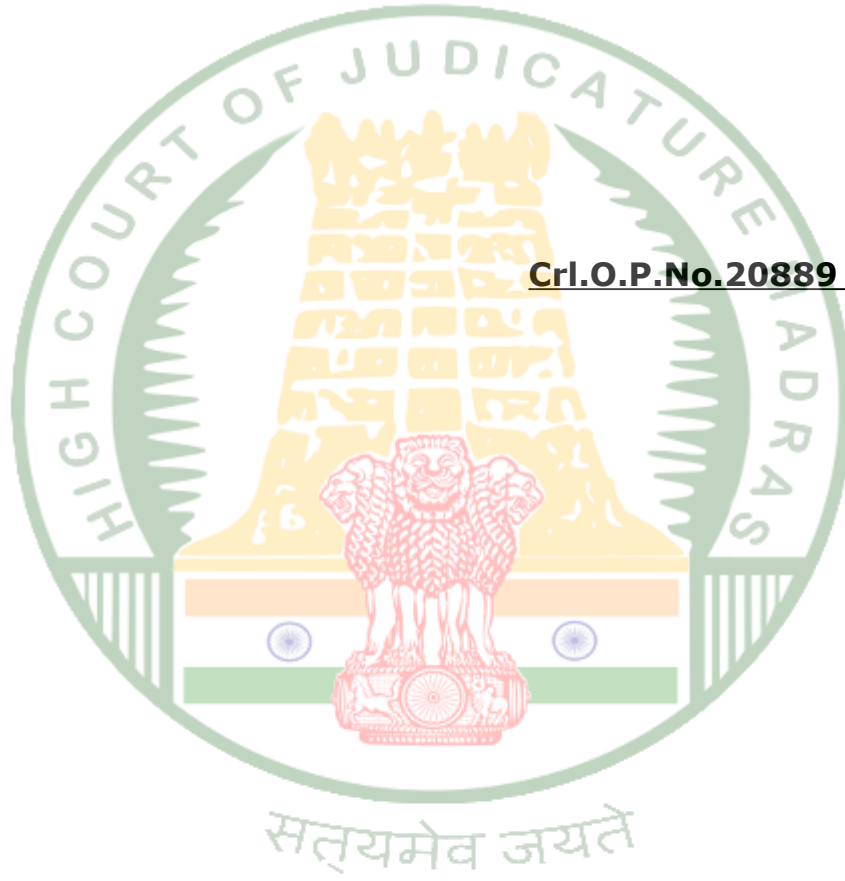


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**N.ANAND VENKATESH, J.**

vs/jas



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**N.ANAND VENKATESH.J**

This case was posted today under the caption for “Being mentioned”.

2. The learned Additional Public Prosecutor brought to the notice of this Court that in many Land Grabbing cases, investigation has been completed and the final report has been filed before the concerned Special Court for Land Grabbing Cases. Since the issue pertaining to the constitution of Special Court is subjudice before the Hon'ble Supreme Court and in view of the fact that interim orders have been passed by the Hon'ble Supreme Court in this regard, the learned Additional Public Prosecutor submitted that all the cases have come to a stand still. Therefore, a request was made to this Court to exercise its jurisdiction under Section 483 of Cr.P.C to give a direction to the concerned Courts in order to enable them to take back the final reports and file the final report before the Jurisdictional Court.

3. The learned Additional Public Prosecutor placed the letter that was addressed to him by the Deputy Commissioner of Police, Central Crime Branch, Greater Chennai Police, Veppery, Chennai-600 007. In the said

letter, 82 cases in which investigation has been completed during the period from 2006 to 2018 by the Central Crime Branch, Chennai have been listed and in all these cases, investigation has been completed and the final report has been filed before the Special Court for Exclusive Trial for Land Grabbing Cases I & II, Chennai. A request has been made to this Court to give a direction to transfer all these cases to the concerned jurisdictional Court in order to enable the prosecution to proceed further with the case.

4. This Court has been vested with the jurisdiction under Sections 482 and 483 of Cr.P.C to exercise superintendence over the Subordinate Courts to ensure that there is an expeditious and proper disposal of the cases by those Courts. In nearly 82 cases, investigation has been completed for the period from 2006 to 2018 and the final report is now lying on the file of the Special Court. The Special Court is not in a position to act upon the final report in view of the case pending before the Hon'ble Supreme Court.

5. This Court on earlier occasions, has passed orders in individual cases directing the Special Court to return back the final report to the concerned police to be presented before the jurisdictional Court. However, these orders confined themselves only to the case on hand. At that point of time, this Court directed the Additional Public Prosecutor to collect the

details regarding the cases of similar nature which are pending before the Special Court. The details of the cases have now been provided to this Court.

6. This Court, in exercise of its jurisdiction under Section 482 and 483 of Cr.P.C hereby directs the Special Court for Exclusive Trial of Land Grabbing Cases I & II, Allikulam, Chennai, to return back the final report filed before the Court by the Central Crime Branch, Chennai to enable the Central Crime Branch, Chennai to file those final reports before the concerned jurisdictional Courts. This exercise shall be completed by the Special Court within a period of four weeks from the date of receipt of copy of this order. Immediately, after the receipt of the final report, the Central Crime Branch, Chennai shall file the final report before the concerned jurisdictional Court within a period of two weeks, thereafter and proceed further in accordance with law. The jurisdictional Courts, before which, the final report is filed, shall immediately act upon the same and take cognizance in accordance with law and complete the cases as expeditiously as possible since these cases have been pending at the stage of final report for years together.

**N.ANDAND VENKATESH,J.**

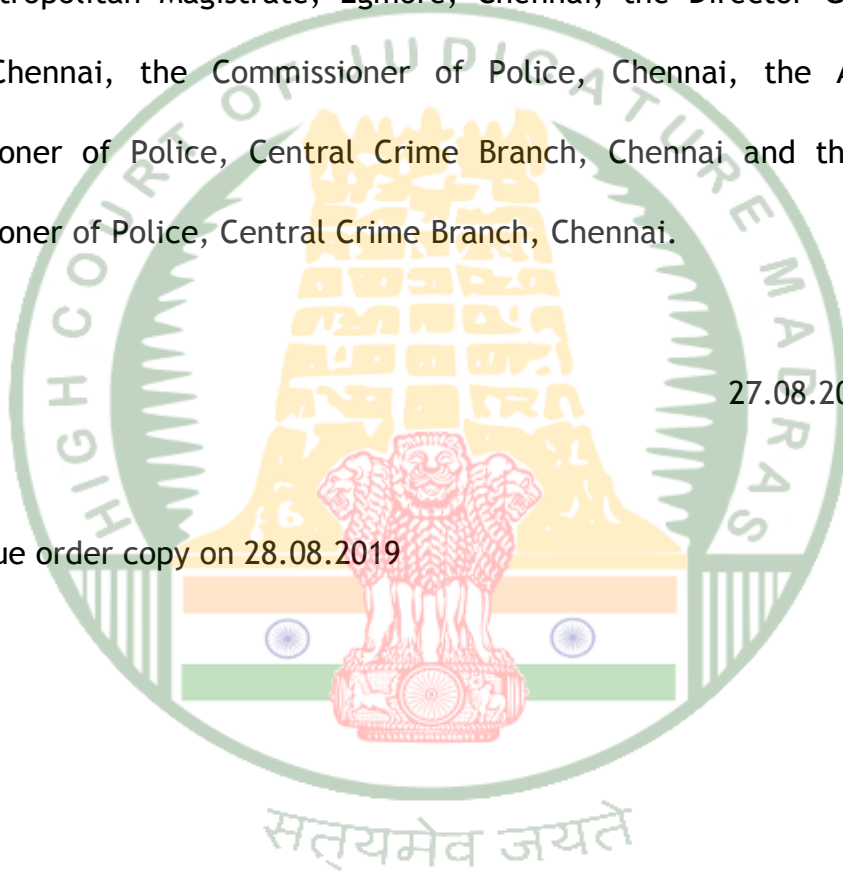
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7. A copy of this order shall be marked to the Special Court for Exclusive Trial for Land Grabbing Cases I & II, Allikulam, Chennai, the Chief Metropolitan Magistrate, Egmore, Chennai, the Director General of Police, Chennai, the Commissioner of Police, Chennai, the Additional Commissioner of Police, Central Crime Branch, Chennai and the Deputy Commissioner of Police, Central Crime Branch, Chennai.

27.08.2019

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**Note:** Issue order copy on 28.08.2019



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