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Roc.No.5745/2018/G4



OFFICIAL MEMORANDUM

Sub: Courts — Orders of the Hon'ble Supreme Court in W.P.(Civil) No.699/2016, (Ashwini Kumar Upadhyay Vs Union of India and another) dated 01.11.2017 and 14.12.2017 regarding setting up of Special Courts exclusively to try criminal cases/ offences involving political persons (elected Members of Parliament and Members of Legislative Assembly) — Instructions for transfer of case Regarding.

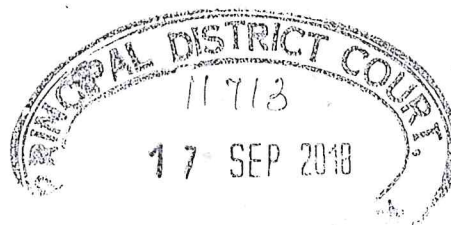
Ref: 1. G.O.(Ms).No. 697, Home (Courts II) Department, dated 09.07.2018  
2. G.O.(Ms).No. 1423, Home (Courts II) Department, dated 06.09.2018

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Pursuant to the directions of the Hon'ble Supreme Court of India, by order dated 14.12.2017 in W.P.(Civil) No.699/2016, (Ashwini Kumar Upadhyay Vs Union of India and another), the Government, after the approval of the High Court, in the Government Order first cited above, have issued orders for the constitution a Special Court at Chennai for trying criminal cases related to elected Members of Parliament and Members of Legislative Assembly in the State of Tamil Nadu and in the Government Order second cited above, have issued Notification for the constitution of the aforesaid Court.

2. In view of the above orders, the Principal Judge, City Civil Court, Chennai and all the Principal District Judges/ District and Sessions Judges in

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the State of Tamil Nadu are hereby directed to begin with, all the Sessions cases/ Criminal Appeals pertaining to Members of Parliament and Members of Legislative Assembly in the State of Tamil Nadu, including Ex - Members of Parliament and Ex - Members of Legislative Assembly in the State of Tamil Nadu, pending before various Sessions/ Assistant Sessions Courts and the cases, which are pending before various exclusive Special Courts, may be transferred to the newly constituted Special Court in the cadre of Sessions Judge to deal with the Criminal cases against the Members of Parliament and Members of Legislative Assembly, in the State of Tamil Nadu and

3. The Principal Judge, City Civil Court, Chennai and the Principal District Judge/ District and Sessions Judges in the State of Tamil Nadu are hereby directed to instruct all Metropolitan Magistrates/all the Judicial Magistrates, with regard to the cases pending for committal before the Magistrate Courts, not to directly commit the cases to the newly constituted Special Court, instead, to commit the cases to the respective Principal District and Sessions Judge, who in turn, to make over the said cases under Section 194 of the Code of Criminal Procedure, to the newly constituted Special Court, for trial.

4. The Principal Judge, City Civil Court, Chennai and the Principal District Judges/District and Sessions Judges in the State of Tamil Nadu are hereby required to see that the case records relating to the aforesaid matter pending in all the Courts in their respective District or unit are collected and made ready for transmission to the Special Court at Chennai as and when the said Court at Chennai commences functioning.

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5. The receipt of the Official Memorandum may be acknowledged and a readiness report regarding the steps taken for the transfer of cases may be sent to the High Court, on or before 20.09.2018.

HIGH COURT, MADRAS.  
DATED: 14.09.2018.

Sd/-C.KUMARAPPAN  
REGISTRAR GENERAL.

// True copy // Forwarded by Order //

*B. Vidya*  
Sub Assistant Registrar (A.D.IV)

To

1. The Principal Judge, City Civil Court, Chennai-104.(with a request to communicate the copy of the O.M. to all the courts in your unit).
2. All the Principal District Judges (with a request to communicate the copy of the O.M. to all the courts in your unit).
3. The Chief Metropolitan Magistrate, Egmore at Allikulam complex, Chennai. (with a request to communicate the copy of the O.M. to all the courts in your unit)
4. All the Chief Judicial Magistrates (with a request to communicate the copy of the O.M. to all the courts in your unit).

