

W.P.No.16154 of 2020

THE HON'BLE CHIEF JUSTICE
and
SENTHILKUMAR RAMAMOORTHY, J.

ORDER

(Made by the Hon'ble Chief Justice)

The reports filed on behalf of the High Court have been circulated.

2. On behalf of the State, learned Advocate-General submits that additional infrastructure may be created so that the cases can be taken up and disposed of as expeditiously as possible. Three specific points have been made by learned Advocate-General: that the extra Sessions Court in Chennai exclusively created for the purpose of taking matters against legislators lies vacant for a considerable period of time; that pursuant to the Supreme Court order of September 16, 2020, criminal cases which remain stayed ought to be taken up for immediate consideration; and, that Special Courts designated at the District Judge level or the Judicial Magistrate level are preoccupied with other business and do not have adequate time to devote to matters against legislators.

3. Appropriate steps should immediately be taken for filling up the vacant post in the Special Sessions Court in Chennai. Counsel for the High Court submits that a Single Bench has already been designated for the purpose of dealing with revisional petitions arising out of matters pertaining to legislators. If necessary, the other work assigned to the relevant Single Bench should be lightened to ensure that legislators' matters get precedence and are not delayed. As far as the District Judiciary is concerned, specific times on a daily or weekly basis need to be allotted by such Courts to ensure that legislators' matters are taken up during such time, irrespective of whatever other business the relevant Court may have.

4. It is also necessary that an appropriate Committee be constituted at the High Court level to look into the additional infrastructure which may be necessary and how soon such infrastructure can be set up to meaningfully proceed with complaints against legislators and the resultant cases, so as to complete them with the kind of dispatch as contemplated in the orders passed by the Supreme Court.

5. The matter will appear next on January 29, 2021.

6. In the meantime, the order dated November 4, 2020 passed by the Supreme Court regarding the tenure of the orders of stay granted in criminal proceedings should be circulated to all Principal District Judges for the information of such Principal District Judges and for dissemination to the designated Courts dealing with matters pertaining to legislators.

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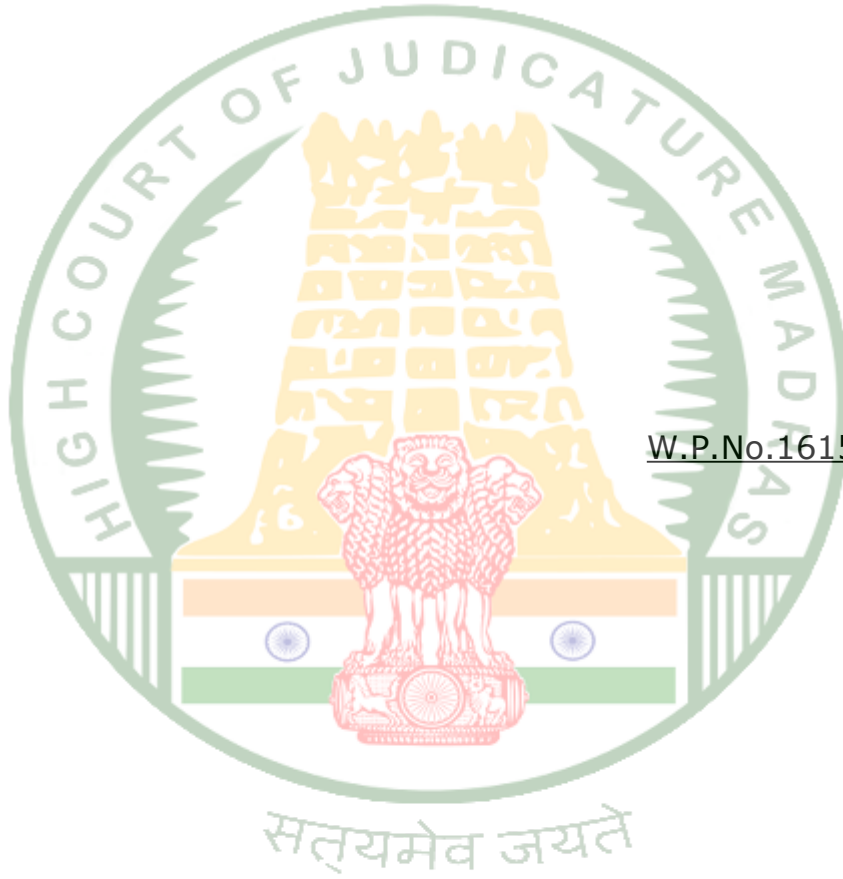
(S.B., CJ.) (S.K.R., J.)
11.01.2021

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