

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 06.08.2019

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CrI.OP.No.19180/2019

Balakrishnan

..Petitioner

Vs.

Union of India
rep.by IOP/CBI/ACB
Chennai.

..Respondent

Prayer:- The Criminal Original Petition is filed under section 407 of Cr.P.C., to transfer the appeal in CA.No.73 of 2010, from the file of the learned VII Assistant Sessions Judge, Chennai to the file of the learned II Additional Sessions Judge, Chennai for delivering the judgment.

For Petitioner : Mr.K.P.Anantha Krishna

For Respondent : Mr.K.Srinivasan,
Special Public Prosecutor [CBI]

ORDER

1. This Criminal Original Petition has been filed, seeking to transfer the appeal in CA.No.73 of 2010 from the file of the learned VII Additional Sessions Judge, Chennai, to the file of the learned II Additional Sessions Judge, Chennai, for delivering the judgment.
2. The ground raised by the petitioner is that the present Presiding Officer of the learned II Additional Sessions Judge, Chennai, was earlier holding full in-charge of the Court of the learned VII Additional Sessions Judge, Chennai and during that period, the learned Judge had heard the arguments of the learned counsel on either side in full in CA.No.73 of 2009 on three occasions, namely 25.02.2019, 11.03.2019 and 04.04.2019 and thereafter, the learned Judge had posted the case to 06.06.2019 for delivering judgment. In the mean while, a regular Judge was appointed to the VII Additional Sessions Court, Chennai and the learned II Additional Sessions Judge, who was in charge and who had heard and reserved for judgement, was relieved and thereby, the learned Judge was unable to deliver the judgment and thereby in order to save judicial time, the present petition has been filed for transfer of CA.No.73 of 2010 to the file of learned II Additional Sessions Judge, Chennai, for delivering judgment.
3. This Court has also enquired the learned Special Public Prosecutor for CBI Cases and he would, on instructions, submit that the Respondent has no objection for the case being transferred to the file of learned II Additional Sessions Judge, Chennai, for rendering judgement. It is also submitted across the Bar that the case is now posted before the learned VII Additional Sessions Judge, Chennai, on 21.08.2019 for further arguments.

4. Since considerable judicial time had been spent by the learned II Additional Sessions Judge, Chennai, in hearing CA.No.73 of 2010 and that the learned Judge is also in Chennai, this Court, in order to avoid wastage of precious judicial time and in order to avoid hardship to the learned counsel on either side, is of the opinion that the case may be transferred to the file of the learned II Additional Sessions Judge, Chennai for rendering judgement.
5. In view of the above, this Criminal Original Petition is disposed of, with the following directions:-
- i. The appeal in CA.No.73 of 2010 is hereby ordered to be transferred from the file of the learned VII Additional Sessions Judge, Chennai, to the file of the learned II Additional Sessions Judge, Chennai, for delivering judgment.
 - ii. In view of the above said appeal being transferred, the learned counsel for the Petitioner shall file a memo before the learned VII Additional Sessions Judge, Chennai, after putting the learned counsel for the Respondent on notice. On such a memo being filed, the learned VII Additional Sessions Judge, Chennai shall transfer the entire case bundle in CA.No.73 of 2010, to the file of learned II Additional Sessions Judge, Chennai.
 - iii. However, if any clarification is required by the learned II Additional Sessions Judge, Chennai, he may give an opportunity to both sides and after hearing them and clarifying, shall deliver judgment.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The VII Additional Sessions Judge, Chennai.
2. The II Additional Sessions Judge, Chennai.
3. The Inspector of Police, CBI/ACB, Union of India, Chennai.
4. The Special Public Prosecutor, CBI Cases, Chennai.

+1 cc to M/s.K.P.Anantha Krishna, Advocate Sr.No. 67042

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AKM/ 28.08.19/2P-6C /

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