

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2019

CORAM

THE HONOURABLE Mr.JUSTICE M. NIRMAL KUMAR

Cr1.O.P.No.26125 of 2019

State represented by
The Inspector of Police,
CBI : ACB : Chennai. ...Petitioner/Complainant

Vs

Y. Franklin Prakash (A1),
Junior Account Assistant,
O/O.The Senior Divisional Finance Manager,
Southern Railway,
Salem,
Tamil Nadu,
and unknown others ...Respondent/Accused

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the learned Judicial Magistrate No.I, Salem to renew the Fixed Deposit No.2014/NDRQ/084038, dated 17.03.2017 and also to change the bearer of the Fixed Deposit issued in favour of the Court of Judicial Magistrate No.I, Salem, to the Court of the District Judge/II Additional Special Judge for CBI Cases, Coimbatore.

For Petitioner : Mr.K. Srinivasan
Spl.P.P. for CBI Cases

ORDER

This petition has been filed to direct the learned Judicial Magistrate No.I, Salem, to renew the Fixed Deposit No.2014/NDRQ/084038, dated 17.03.2017 and to change the bearer of the Fixed Deposit issued in favour of the Court of Judicial Magistrate No.I, Salem, to the Court of the District Judge/II Additional Special Judge for CBI Cases, Coimbatore.

2.The learned Special Public Prosecutor for the petitioner submitted that initially, a case in Crime No.RC MA1 2017A0006 was registered by the petitioner on 13.03.2017 against the respondent/A1 for the offences under Sections 120B read with 420 of IPC and Sections 13(2)

read with 13(1) (d) of PC Act and FIR is pending before the learned II Additional District Judge for CBI Cases, Coimbatore.

3. Earlier to this case, the Railway Protection Force, Southern Railway, Salem, registered a case against the respondent in Crime No.5/2017 for the offence under Section 3(a) R.P. (U.P.) Act, 2012, against the respondent herein. Pursuant to the same, the Material Objects were seized by the Railway Protection Force, Southern Railway, Salem, during searches at the residence of the accused on 22.01.2017 and produced before the learned Judicial Magistrate No.I, Salem. Subsequently, the petitioner had registered a case against the accused in RC6(A)/2017-CBI/ACB/Chennai, on 13.03.2017.

4. On completion of investigation, a Charge Sheet has been filed which was taken on file in C.C.No.4 of 2019 and the same is pending trial before the learned II Additional District Judge for CBI Cases, Coimbatore. The learned II Additional District Judge for CBI Cases, Coimbatore, in D.No.676/2018, dated 24.10.2018, had called for Material Objects which were deposited in Crime No.5/2017 before the learned Judicial Magistrate No.I, Salem, to be transferred to CBI, ACB, Chennai, for investigation.

5. The learned Special Public Prosecutor appearing for the petitioner submitted that the Investigating Officer has filed a petition before the learned II Additional Special Judge for CBI Cases, Coimbatore, seeking for a direction to change the bearer of the Fixed Deposit issued in favour of the Court of Judicial Magistrate No.I, Salem, to the Court of the District Judge/II Additional Special Judge for CBI Cases, Coimbatore and to renew the Fixed Deposit. The learned District Judge/II Additional Special Judge for CBI Cases, Coimbatore, had returned the petition to approach this Court to transfer the deposit amount. Based on which, this present petition has been filed.

6. It is seen that the Material Objects in Crime No.5/2017 have been handed over to the learned District Judge/II Additional Special Judge for CBI Cases, Coimbatore. It is also seen that Item No.39 is the Fixed Deposit Receipt No.2014/NDRQ/084038, dated 17.03.2017 of Indian Overseas Bank, District Court Branch, Salem, for Rs.26.65 lakhs. The said Fixed Deposit is also listed as D.No.57 in C.C.N.4 of 2019. Since the case has been transferred to the learned District Judge/II Additional Special Judge for CBI Cases, Coimbatore, the name in the Fixed Deposit has to be changed and to be renewed for

further period.

7.In view of the same, the Branch Manager, Indian Overseas Bank, District Court Branch, Salem, is directed to renew the Fixed Deposit No.2014/NDRQ/084038, dated 17.03.2017 for a further period of two years and change the bearer of the Fixed Deposit issued in favour of the Court of Judicial Magistrate No.I, Salem, to the Court of the District Judge/II Additional Special Judge for CBI Cases, Coimbatore, in the account of C.C.No.4 of 2019.

8.Since the case has been taken on file in C.C.No.4 of 2019 by the learned District Judge/II Additional Special Judge for CBI Cases, Coimbatore, nothing survives for adjudication in Crime No.5/2017.

With the above directions, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(insp cell)

//True Copy//

Sub Assistant Registrar

mps
To

1.The Judicial Magistrate No.I,
Salem.

2.The District Judge/II Additional
Special Judge for CBI Cases,
Coimbatore.

3.The Inspector of Police,
CBI : ACB : Chennai.

4.The Public Prosecutor,
High Court, Madras - 104.

5.The Branch Manager,
Indian Overseas Bank,
District Court Branch, Salem

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A.SK(14/11/2019)