

IN THE HIGH COURT OF JUDICATURE AT MADRAS

CORAM

DATED 14.10.2019

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.25280 of 2019

1. P.V. Jacob

2. M/s. Passport Communications Pvt Ltd.,
Shyam Garden, Nungambakkam,
Chennai.

..Petitioner

Vs

1. Union of India,
represented by Inspector of Police
Central Bureau of Investigation
Anti Corruption Bureau,
Chennai.

2. Thamodaran Pillai Balakrishnan

3. Vidyasri Sumathi

(R2 & R3 are suo-motu impleaded as
per order in Crl OP.25280/19 dated
24.09.19)

.. Respondents

Prayer: Criminal Original Petition filed under Section 407
of Cr.P.C., to transfer the Crl.A. No.49 of 2010 from the file
of VII Additional Judge, Chennai to the file of II Additional
Sessions Judge, Chennai for delivering the judgment .

For Petitioner : Mr. K.P. Ananthakrishnan

For Respondent: Mr.K. Srinivasan

Spl. Public Prosecutor, CBI Cases

ORDER

This Criminal Original Petition is filed by the petitioners
to transfer the Crl.A. No.49 of 2010 from the file of VII
Additional Sessions Judge, Chennai to the file of II Additional
Sessions Judge, Chennai for delivering the judgment.

2. The petitioners herein are A1 and A4 in C.C.No.2361 of
2001. The respondent 2 and 3 herein are A3 and A2 respectively
in C.C.No.2361 of 2001. Totally there are four accused in
C.C.No.2361 of 2001.

3. The petitioners have filed Crl.A.No.49 of 2010 and the
respondents 2 and 3 herein have filed Crl.A.No.74 of 2010. It

is submitted that the appeals viz., Crl.A.Nos.49 and 74 of 2010 were argued in detail before the learned II Additional Sessions Judge when he was in charge of VII Additional Sessions Judge. Now a Presiding Officer has been appointed to the post of VII Additional Sessions Judge. In view of better appreciation of the facts, learned counsel for the petitioner submits that it would be appropriate that the above said appeals are transferred before the learned II Additional Sessions Judge, Chennai who had already heard the appeals in detail.

4. It is further submitted that C.C.No.2360 and 2361 of 2001 are connected cases and the facts in both the cases are similar in nature. Even the trial court had passed a judgment on the same day in both the cases. In view of the same, Crl.A.No.48 of 2010 and Crl.A.No.73 of 2010 arising out of C.C.No.2360 of 2001, transferred to the file of II Additional Sessions Judge, Chennai by this Court in Crl.O.P.No.25209 of 2019. Thus for better appreciation and for avoiding contradictory views and findings, the appeals viz., Crl.A.No.49 and C.A.No.74 of 2010 also be transferred to the file of II Additional Sessions Judge, Chennai.

5. There is no serious objection on behalf of respondents 1 to 3.

6. In view of the same, Crl.A.No.49 of 2010 and Crl.A.No.74 of 2010 pending on the file of VII Addl. Sessions Judge, Chennai are transferred to the file of II Addl. Sessions Judge, Chennai to be heard together.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The II Additional Sessions Judge, Chennai.

2. The VII Additional Sessions Judge, Chennai.

3. -Do- The Principal Sessions Judge, Chennai.

4.The Inspector of Police
Central Bureau of Investigation
Anti Corruption Bureau, Chennai.

+1cc to Mr.Swami Subramanian, Advocate, SR.No.85956

Crl.O.P.No.25280 of 2019