



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

WEB COPY

Crl.O.P.[MD]No.10612 of 2018

M/s Gati Limited
Rep by its Senior Executive,
M.Sudalaiyandi
Having Regd. Office,
At Plot No.20, Survey No.12, Kothaguda,
Kodapur, Hyderabad-500 084.

: Petitioner

Vs.

1.State represented by
Inspector of Police,
SIPCOT Police Station,
Thoothukudi,
Thoothukudi District.
(Crime No.364 of 2017)

2.The Superintendent of Police,
Tuticorin District Crime Branch,
Tuticorin.

3.The Tamil Nadu Mercantile Bank Ltd.,
Rep. By its Chairman,
Having its Corporate Office at
No.57, V.E.Road, Tuticorin, Tamil Nadu,
India-628 002.

4.The Superintendent of Police,
The Central Bureau of Investigation, (C.B.I.)
Banking Securities & Fraud Cell,
No.36, Bellary Road,
2nd Floor, CBI Complex,
Bangalore 560 032.

: Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to withdraw the case in Cr.No.364 of 2017 pending on the file of the first and second respondent police and transfer the case to the 4th respondent herein, the Central Bureau of Investigation.

For Petitioner	: Mr.J.Ravikumar
For R-1 and R-2	: Mr.V.Neelakandan Additional Public Prosecutor
For R-3	: Mr.A.R.M.Ramesh

order, which reads thus:-

"6. This Court has to observe that there are clear materials indicating that the forged bank guarantees were furnished by the petitioner. This is the case in which the police cannot file a negative report. The respondent police is directed to file the final report in Crime No.364 of 2017 before the Jurisdictional Magistrate within a period of two months from the date of receipt of a copy of this order. The respondent police shall file a compliance report on or before 20.09.2018 in this regard and the said compliance report shall be placed before me. This time line shall be strictly adhered to. The respondent police shall not ask for any extension of time for reason whatsoever.

7. The learned counsel for the petitioner undertakes that he shall not challenge the order passed by this Court. The Jurisdictional Magistrate shall take the final report on file forthwith, without any delay. The trial Court shall conclude the entire trial proceedings within a period of three months thereafter. The concerned trial Magistrate is also directed to file a compliance report before the registry. The Registrar (Judicial) is directed to monitor that the time lines stipulated in this order are strictly adhered to."

6. Notwithstanding what has stated in paragraph 7 of the aforesaid order in CrI.O.P.(MD)No.9348 of 2018, the petitioner herein, who is the complainant in this case, had approached the Hon'ble Supreme Court in S.L.P.(CrI) No.667 of 2018, in which the Hon'ble Supreme Court had stayed the order in CrI.O.P.(MD)No.9348 of 2018. The learned counsel for the petitioner submitted that the Hon'ble Supreme Court has stayed only the order granting anticipatory bail but not the rest.

7. However, the learned Additional Public Prosecutor submitted that the Investigating Agency has understood this order as a total stay of the ongoing investigation.

8. The order in CrI.O.P.(MD)No.9348 of 2018 has two parts, the first part deals with the anticipatory bail and the other part deals with providing time schedule for completion of the trial. The completion of the investigation is also therefore forms part of the said order, and when the Hon'ble Supreme Court has stayed the matter, in the opinion of this Court, that will also become the subject matter and will come under the purview of the Hon'ble Supreme Court. Propriety requires that this Court does not interfere with the present status quo. When the matter is in the seisin of the Hon'ble Supreme Court, for the present, this Court holds that this petition is premature and hence needs to be dismissed. Accordingly, this Criminal Original Petition is dismissed. However, the petitioner would be at liberty to approach this Court for the same relief, if so required and if circumstance



continues to be exists at the appropriate time subject to the outcome of the S.L.P.(Cr1) No.667 of 2018.

Sd/-

Assistant Registrar(CO)

WEB COPY

/True Copy/

Sub Assistant Registrar(CS-)

To

- 1.The Inspector of Police,
SIPCOT Police Station,
Thoothukudi, Thoothukudi District.
- 2.The Superintendent of Police,
Tuticorin District Crime Branch,
Tuticorin.
- 3.The Chairman,
Tamil Nadu Mercantile Bank Ltd.,
Having its Corporate Office at
No.57, V.E.Road, Tuticorin, Tamil Nadu,
India-628 002.
- 4.The Superintendent of Police,
The Central Bureau of Investigation, (C.B.I.)
Banking Securities & Fraud Cell,
No.36, Bellary Road, 2nd Floor, CBI Complex,
Bangalore 560 032.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+2cc to Mr.J.Ravikumar, Advocate, SR.No.57325

Cr1.O.P.[MD]No.10612 of 2018
27.03.2019

SP/10.04.2019/ 4P/8C