



WEB COPY



Crl.O.P.No.20136 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.09.2023

CORAM :

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.20136 of 2023

and

Crl.M.P.No.13717 of 2023

F.N.Durai

... Petitioner

-VS-

1.The State Rep.by
The Additional Superintendent of Police,
Anti Corruption Bureau, CBI, SPE
III Floor, Shastri Bhavan,
No.26, Haddows Road,
Nungambakkam, Chennai-600 006.

2.N.Prakasam

...Respondents

PRAYER : Criminal Original Petitions has been filed under section 407 of Criminal Procedure Code to withdraw C.C.no.1782 of 2022, pending trial on the file of the Additional Chief Metropolitan Magistrate at Egmore, Chennai and transfer the same to the Court of the 11th Additional Sessions Judge, City Civil Court, Chennai (Special Court for trial of CBI Cases) and thereafter order joint trial.

For Petitioner

:

Mr.T.T.Ravichandran



CrI.O.P.No.20136 of 2023

WEB COPY

For Respondent : Mr.K.Srinivasan
Special Public Prosecutor (CBI)

ORDER

This Criminal Original Petition is filed to transfer a case pending before the Additional Chief Metropolitan Magistrate Court, Egmore for the offences under Sections 120-B r/w. 420 IPC and substantive offence to the Special Court for Bank Fraud Cases investigated by CBI.

2. The learned counsel appearing for the petitioner submitted that the petitioner is a common accused in both the cases and therefore, for the sake of convenience, the matter has to be tried together in one. Since the trial Court took cognizance of the offence under the Prevention of Corruption Act, a case pending before the Additional Chief Metropolitan Magistrate shall also be transferred for joint trial to the Special Court.

3. The learned Special Public Prosecutor appearing for the CBI submitted that the petitioner is a common accused in both the cases, however, the transactions are different, the offences committed are also different. Further, the case pending before Additional Chief Metropolitan Magistrate is in the



CrI.O.P.No.20136 of 2023

midst of trial. Already 2 witnesses were examined out of 43 witnesses.

Whereas, the case pending in the Special Court for CBI Cases is yet to be commenced and the charges are yet to be framed. Therefore, if the matter is transferred to Special Court for CBI Cases, there will be delay in completing the trial and further, it will cause undue hardship to the other accused facing trial in the same case.

4. This Court, on hearing both sides and considering the facts of the case, finds that the request to transfer is unjust and it will not inure to meet the ends of justice. Hence this Criminal Original Petition is dismissed. Consequently, the connected Criminal Miscellaneous Petition is also dismissed.

05.09.2023

Internet : Yes/No
rpl

To

1.The Additional Chief Metropolitan Magistrate at Egmore, Chennai.

2.The 11th Additional Sessions Judge, City Civil Court, Chennai (Special Court for trial of CBI Cases)

Dr.G.JAYACHANDRAN, J.

rpl



Crl.O.P.No.20136 of 2023

WEB COPY

3.The Additional Superintendent of Police,
Anti Corruption Bureau, CBI, SPE
III Floor, Shastri Bhavan,
Nungambakkam, Chennai-600 006
No.26, Haddows Road,

4.The Special Pubic Prosecutor (CBI)
High Court of Madras, Chennai.

Crl.O.P.No.20136 of 2023

05.09.2023