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Crl.O.P.No.1367 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2025

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.1367 of 2025 and
Crl.M.P.No.765 of 2025

T.D.Prabhavathy

... Petitioner

Vs.

State represented by
The Inspector of Police,
CBI-BS & FC, Bangalore.
RC.12(E)/2016.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to re-transfer the case papers related to C.C.No.1 of 2020 from the file of learned XI Additional Special Judge for CBI Cases at Chennai (Special Court for CBI Cases, Chennai) to the Court of the Chief Judicial Magistrate (CJM), Egmore, Chennai for further proceedings.

For Petitioner : Ms.A.L.Gandhimadhi, Senior Counsel for
Mr.G.Viswanathan

For Respondent : Mr.K.Srinivasan,
Special Public Prosecutor for CBI Cases

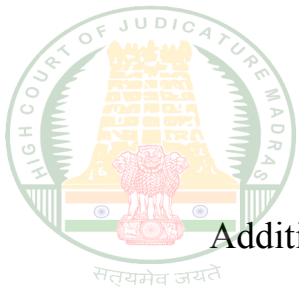


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ORDER

The petitioner/A2, who is facing trial in C.C.No.1 of 2020 for offence under Sections 120-B r/w 420, 468 & 471 IPC before the learned XI Additional Special Judge for CBI Cases, Chennai, has filed the present Criminal Original Petition seeking transfer of C.C.No.1 of 2020 to the file of the Additional Chief Metropolitan Magistrate/Additional Chief Judicial Magistrate Court, Egmore, Chennai for further proceedings.

2.The learned Senior Counsel appearing for the petitioner submitted that the respondent initially registered a case in R.C-12(E)/2016 on the complaint of Union Bank of India. On completion of investigation, charge sheet filed before the Additional Chief Metropolitan Magistrate, Egmore, Chennai in C.C.No.4306 of 2018 for offence under Sections 120-B r/w 420, 468 & 471 IPC. Thereafter, on the petition filed by the petitioner in Crl.M.P.No.19020 of 2019, the learned Principal Sessions Judge, Chennai transferred the case (C.C.No.4306 of 2018) from the file of the Additional Chief Metropolitan Magistrate, Egmore, Chennai to the file of the XIV



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Additional Sessions Judge for CBI Cases, Chennai for simultaneous trial along with C.C.No.7 of 2017. On transfer to XIV Additional Sessions Judge for CBI Cases, Chennai, the case in C.C.No.4306 of 2017 renumbered as C.C.No.1 of 2020. The reason for transfer is that the issues in both the cases (C.C.No.1 of 2020 and C.C.No.7 of 2017 (which is now renumbered as Special C.C.No.3 of 2020)) are identical. In one case (Special C.C.No.3 of 2020), the defacto complainant is General Manager, Andhra Bank, Zonal Office, Chennai and in the present case (C.C.No.1 of 2020), the defacto complainant is Deputy General Manager and Regional Head, Union Bank of India, Chennai. In the meanwhile, A1 in C.C.No.1 of 2020 filed a quash application in Crl.O.P.No.3950 of 2020 before this Court and this Court by order, dated 19.02.2020 finding that C.C.No.1 of 2020 was pending trial before the learned XIV Additional Sessions Judge for CBI Cases, Chennai and C.C.No.7 of 2017, both transferred to the file of the XI Additional Special Judge for CBI Cases, Chennai and directed to conduct simultaneous trial by listing the cases on the same day. As per direction, the case in C.C.No.7 of 2017 renumbered as Special C.C.No.3 of 2020, but C.C.No.1 of 2020 arising out of R.C-12(E)/2016 was also transferred. The petitioner filed a discharge petition in Crl.M.P.No.450 of 2020 and the same is pending.



WEB COPY 3.She further submitted that since the sole public servant/A3 in Special C.C.No.3 of 2020 passed away even prior to framing of charges, in view of the decision of the Hon'ble Apex Court in “*State through Central Bureau of Investigation, New Delhi v. Jitender Kumar Singh* reported in (2014) 11 SCC 724”, the Special Court ousted jurisdiction to proceed with the trial, hence the case in Special C.C.No.3 of 2020 to be transferred to the Regular Court, as a corollary, the connected case C.C.No.1 of 2020 to be transferred to the Regular Court. Hence, she prays for transfer.

4.The learned Senior Counsel/Special Public Prosecutor for CBI Cases appearing for the respondent submitted that the Central Bureau of Investigation, Bank Securities & Frauds Cell, Bangalore registered case No.RC-12(E)/2016-CBI/BS&FC/BLR for offence under Sections 120-B r/w 420, 468 & 471 IPC against Mr.T.D.Naidu/A1, Chairman and Managing Trustee, M/s.Deen Dayal Medical and Educational Trust, Mrs.D.Prabhavati/A2, Wife of A1, Trustee, M/s.Deen Dayal Medical and Educational Trust and M/s.Deen Dayal Medical and Educational Trust/A3 based on the written complaint lodged by Deputy General



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Manager and Regional Head, Union Bank of India, Nodal Regional

Office, Chennai. On completion of investigation, charge sheet filed

before the learned Additional Chief Metropolitan Magistrate on

30.05.2017 and taken on file as C.C.No.4306 of 2018 against

Mr.T.D.Naidu/A1, Chairman and Managing Trustee,

Mrs.D.Prabhavati/A2, wife of A1, Trustee and M/s.Deen Dayal Medical

and Educational Trust/A3 for offence under Sections 120-B r/w 420, 468

& 471 of IPC. A1 in this case is facing trial before the CBI Court along

with the public servant in C.C.No.7 of 2017 for identical charge. Hence,

the petitioner filed Crl.M.P.No.19020 of 2019 before the learned Court

of Sessions, Chennai seeking transfer of the case from the Court of

Additional Chief Metropolitan Magistrate Court to the Court of XIV

Additional Sessions Judge for CBI Cases, Chennai for simultaneous trial

along with C.C.No.7 of 2017 (RC-03(E)/2012). Accordingly, the

Sessions Court *vide* order dated 29.11.2019 transferred the case in

C.C.No.4306 of 2018 from Additional Chief Metropolitan Magistrate,

Egmore to XIV Additional Sessions Judge for CBI Cases, Chennai for

simultaneous trial along with C.C.No.7 of 2017. On transfer to XIV

Additional Sessions Judge for CBI Cases, Chennai, C.C.No.4306 of 2017

renumbered as C.C.No.1 of 2020. Further, A1 filed Crl.O.P.No.3950 of



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2020 before this Court to quash the proceedings in C.C.No.1 of 2020 on the file of XIV Additional Sessions Court for CBI, Chennai. After hearing both sides, finding that the accused involved in both the cases and facts are similar, this Court, by order, dated 19.02.2020 transferred C.C.No.1 of 2020 and C.C.No.7 of 2017 (Special C.C.No.3 of 2020) to the file of the XI Additional Special Judge for CBI Cases, Chennai to conduct simultaneous trial.

5.Considering the rival submissions and on perusal of the materials, it is seen that the case in C.C.No.1 of 2020 arises out of R.C-12(E)/2016 which was registered on the complaint of Deputy General Manager and Regional Head, Union Bank of India, Chennai. On completion of investigation, charge sheet filed before the learned Additional Chief Metropolitan Magistrate/Additional Chief Judicial Magistrate, Egmore, Chennai in C.C.No.4306 of 2018. At the instance of the accused, C.C.No.4306 of 2018 transferred from the Additional Chief Metropolitan Magistrate Court, Egmore, Chennai to the XIV Additional Sessions Judge for CBI Cases, Chennai for simultaneous trial along with C.C.No.7 of 2017 (Special C.C.No.3 of 2020) since the facts in both cases are similar.

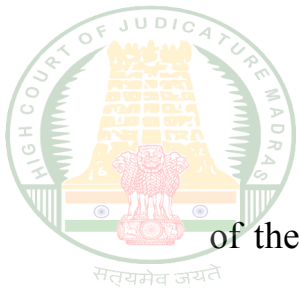


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6.It is also seen that a case in RC-03(E)/2012 registered against the petitioner's husband Mr.T.D.Naidu and others on the complaint of Chief Manager, Andhra Bank, Annanagar Branch, Chennai which is now pending trial in Special C.C.No.3 of 2020.

7.The sum and substance is that C.C.No.1 of 2020 and C.C.No.7 of 2017 (Special C.C.No.3 of 2020) are presently pending on the file of the XI Additional Sessions Court for CBI Cases, Chennai.

8.Since the only public servant in Special C.C.No.3 of 2020 passed away before charge framing and the Special Court is ousted of its jurisdiction relying on ***Jitender Kumar Singh*** case, transfer is ordered by this Court in Crl.O.P.No.1358 of 2025 dated 21.04.2025 directing Special C.C.No.3 of 2020 to be transferred from the file of the XI Additional Special Judge for CBI Cases, Chennai to the file of the Additional Chief Metropolitan Magistrate/Additional Chief Judicial Magistrate, Egmore, Chennai. Earlier the present case C.C.No.4306 of 2018 was transferred from the Regular Court to Special Court as C.C.No.1 of 2020 to be tried along with Spl.C.C.No.3 of 2020. In view

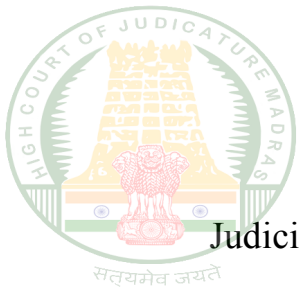


of the order passed in Crl.O.P.No.1358 of 2025, continuation of trial in C.C.No.1 of 2020 by the learned XI Additional Special Judge for CBI Cases, Chennai is not required.

9.In view of the same, the case in C.C.No.1 of 2020 (RC-12(E)/2016) is transferred from the file of the XI Additional Special Judge for CBI Cases, Chennai to the file of the Additional Chief Metropolitan Magistrate Court/Additional Chief Judicial Magistrate Court, Egmore, Chennai for proper appreciation and disposal.

10.On receipt of the entire case records in C.C.No.1 of 2020 (RC-12(E)/2016), the learned Additional Chief Judicial Magistrate/Additional Chief Metropolitan Magistrate, Egmore, Chennai to conduct simultaneous trial along with transferred Special C.C.No.3 of 2020 (RC-03(E)/2012) by listing both the cases on the same day.

11.It is seen that there are 55 witnesses and 157 documents listed in the charge sheet. Though the charge sheet filed as early as in the year 2018, the case is kept pending for one reason or other. Hence, the learned Additional Chief Metropolitan Magistrate/Additional Chief



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Judicial Magistrate, Egmore, Chennai is directed to give preference and complete the trial preferably within a period of nine months from the date of receiving the case records. The Trial Court not to give long adjournments and list the case on a weekly basis.

12. Accordingly, this Criminal Original Petition is allowed. Consequently, connected criminal miscellaneous petition is closed.

21.04.2025

Speaking Order/Non Speaking Order

Index : Yes/No

Neutral Citation: Yes/No

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To

1. The XI Additional Special Judge for CBI Cases, Chennai.
2. The Additional Chief Metropolitan Magistrate Court/
Chief Metropolitan Magistrate, Egmore, Chennai.
3. The Inspector of Police,
CBI-BS & FC, Bangalore.
4. The Special Public Prosecutor for CBI Cases,
Madras High Court.

Note: Issue Order Copy on 24.04.2025.



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M.NIRMAL KUMAR, J.

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