



Crl.O.P.No.1358 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2025

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.1358 of 2025 and  
Crl.M.P.No.757 of 2025

T.D.Naidu

... Petitioner

Vs.

The Additional Superintendent of Police,  
Central Bureau of Investigation,  
Bank Securities and Fraud Cell,  
Bangalore.  
Crime No.RC.3(E)/2012.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to transfer the case papers related to Spl.C.C.No.3 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/A1, who is facing trial in Special C.C.No.3 of 2020 for offence under Sections 120-B r/w 420, 468 & 471 IPC and Section 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988 before the learned XI Additional Special Judge for CBI Cases, Chennai, has filed the present Criminal Original Petition seeking transfer of Special C.C.No.3 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 charge sheet was originally filed against the petitioner/A1, Mr.Varadarajan, Civil Engineering Consultant/A2 and Mr.N.Raveendranadha Reddy, the then Branch Manager, Andhra Bank, Anna Nagar Branch, Chennai/A3. In this case, A2 was granted “tender of pardon”, taken as approver. The petitioner/A1 along with approver and public servant/A3 charged under the IPC offence and Prevention of Corruption Act, 1988. Now, A3 died before framing of charges and charges against him abates, which is recorded in order, dated 27.06.2022.



Now the petitioner, a private person is the sole accused in the above case.

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She further submitted that the Hon'ble Apex Court in “***State through Central Bureau of Investigation, New Delhi v. Jitender Kumar Singh*** reported in (2014) 11 SCC 724” held that when the sole public servant died and charges against him abated before the Special Court framing charges against him under the provisions of Prevention of Corruption Act, 1988, then the Special Court has no jurisdiction to try the case further. In view of the above, the petitioner's case in Special C.C.No.3 of 2020 to be transferred from the file of the XI Additional Special Court for CBI Cases, Chennai to the file of the Additional Chief Metropolitan Magistrate/Additional Chief Judicial Magistrate, Egmore, Chennai.

3.The learned Senior Counsel further submitted that the petitioner is also facing trial as A1 in C.C.No.1 of 2020 before the learned XI Additional Special Judge for CBI Cases, Chennai for offence under Sections 120-B r/w 420, 468 and 471 IPC along with his wife as A2 and M/s.Deen Dayal Medical and Educational Trust represented by the petitioner as A3. No public servant is involved in this case and no charges under the Prevention of Corruption Act, 1988. Earlier, the charge sheet filed before the learned Additional Chief Metropolitan



Magistrate/Additional Chief Judicial Magistrate, Egmore, Chennai in

C.C.No.4306 of 2018, later it was transferred to the file of the XIV Additional Sessions Judge for CBI Cases, Chennai to be tried along with Special C.C.No.3 of 2020, hence the case in C.C.No.4306 of 2018 transferred to the Special Court and taken on file as C.C.No.1 of 2020.

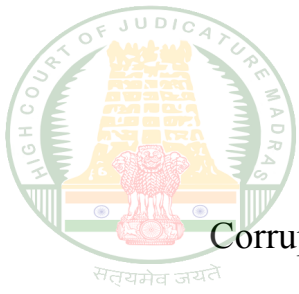
4.The learned Senior Counsel further submitted that earlier the petitioner filed Crl.O.P.No.3950 of 2020 to quash the proceedings in C.C.No.1 of 2020 which was pending before the learned XIV Additional Sessions Judge for CBI Cases, Chennai. On 19.02.2020, this Court ordered transfer of both the cases in 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 and also directed to conduct simultaneous trial by listing the cases on the same day. Aggrieved over the same, the petitioner filed an appeal before the Hon'ble Apex Court in SLP.No.004911 of 2020 and the Hon'ble Apex Court rejected the petitioner's contention. The learned Senior Counsel further submitted that after the death of the sole public servant/A3 in Special C.C.No.3 of 2020 prior to framing of charges and following the ***Jitender Kumar Singh*** case, the case (Special C.C.No.3 of 2020) cannot be tried by the



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Special Court and to be transferred to the Regular Court and consequently, the other case in C.C.No.1 of 2020 also to be transferred to the Additional Chief Metropolitan Magistrate/Additional Chief Judicial Magistrate, Egmore, Chennai.

5.The learned Senior Counsel/Special Public Prosecutor for CBI Cases for the respondent submitted that the Central Bureau of Investigation, Bank Securities and Frauds Cell, Bangalore registered Case No.RC-03(E)/2012 on 20.03.2012 against the petitioner/A1, Chairman & Managing Trustee, M/s.Deendayal Medical & Educational Trust, Chennai and two others for offence under Sections 120-B r/w 420, 468 & 471 of IPC and Sections 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988, on the basis of written complaint received from Mr.C.Balasubramanyam, General Manager, Andhra Bank, Zonal Office, Chennai Chennai. He further submitted that on completion of investigation, charge sheet filed against the petitioner/A1, Mr.R.Varadarajan/A2, Civil Engineering Consultant and Mr.N.Raveendranadha Reddy/A3, the then Chief Manager, Andhra Bank, Annanagar Branch, Chennai for offence punishable under Sections 120-B r/w 420, 468, 471 IPC and 13(2) r/w 13(1)(d) of Prevention of



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Corruption Act, 1988 and now pending trial before the learned XI Additional Special Judge for CBI Cases, Chennai in Special C.C.No.3 of 2020. Earlier, the Special C.C.No.3 of 2020 was pending trial before the learned XIV Additional Sessions Judge, Chennai in C.C.No.7 of 2017. As per the order of this Court in Crl.O.P.No.3950 of 2020, dated 19.02.2020, the above Special C.C.No.3 of 2020 has been transferred from the file of the XIV Additional Sessions Court for CBI cases, Chennai to the file of the XI Additional Special Court for CBI cases, Chennai. The petitioner filed Discharge Petition in C.C.No.7 of 2017 in Crl.M.P.No.4441 of 2015 and the Trial Court by order, dated 14.02.2020 dismissed the discharge petition, against which, the petitioner filed a revision in Crl.R.C.No.423 of 2020 and this Court by order, dated 20.01.2023 dismissed the revision. In the meanwhile, the sole public servant/A3 died on 04.06.2022. Taking advantage of public servant passes away and citing ***Jitender Kumar Singh*** case, the present transfer petition filed. He further submitted that the petitioner's prayer cannot be entertained since the delay in framing of charges is due to filing of one petition or other by the petitioner and thereby ensured the charges are not framed and trial is stalled. According to the learned Senior Counsel/Special Public Prosecutor, no person can take advantage of his



own making, hence prays for dismissal of the present petition.

**WEB COPY** 6.Considering the rival submissions and on perusal of the materials, it is seen the case in Special C.C.No.3 of 2020 arises out of RC-03(E)/2012 registered on the complaint of the General Manager, Andhra Bank, Zonal Office, Chennai. On completion of investigation, charge sheet filed against the petitioner/A1, Chairman & Managing Trustee of M/s.Deen Dayal Medical & Educational Trust, Chennai; Mr.R.Varadarajan/A2, Civil Engineering Consultant and Mr.N.Raveendranadha Reddy/A3, the then Chief Manager, Andhra Bank, Anna Nagar Branch, Chennai which is pending trial presently in Special C.C.No.3 of 2020 before the learned XI Additional Special Judge for CBI Cases, Chennai.

7.Presently, the sole public servant in Special C.C.No.3 of 2020/A3 passed away before framing charges and the charges gets abated, which is recorded by the learned XI Additional Special Judge for CBI Cases, Chennai in order, dated 27.06.2022. Though the petitioner/A1 filed a discharge petition in Crl.M.P.No.4441 of 2015 in C.C.No.7 of 2017 (Special C.C.No.3 of 2020) when the public servant/A3 was alive, the same was adjudicated and dismissed by the



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Trial Court on 14.02.2020. The petitioner filed a quash application in CrI.O.P.No.3950 of 2020 for quashing of C.C.No.1 of 2020, which is an another case registered on the complaint of Union Bank of India in which only private persons are arrayed as accused. This Court by order, dated 19.02.2020 dismissed the petition but ordered simultaneous trial of both cases. In the meanwhile, the public servant/A3 passed away.

8.Now the admitted position is that the charges not framed in Special C.C.No.3 of 2020. In view of the same, the guideline of the Hon'ble Apex Court in ***Jitender Kumar Singh*** (cited supra) to be followed.

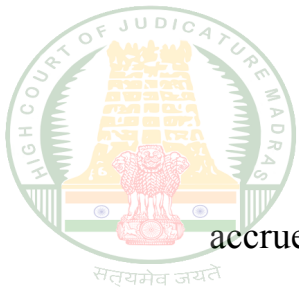
9.In view of the above, the learned XI Additional Special Judge for CBI Cases, Chennai now divested of jurisdiction after the death of public servant/A3 to try the case in Special C.C.No.3 of 2020. Hence, the case in Special C.C.No.3 of 2020 (RC-03(E)/2012) is transferred from the file of the XI Additional Special Court for CBI Cases, Chennai to the file of the Additional Chief Judicial Magistrate Court/Additional Chief Metropolitan Magistrate Court, Egmore, Chennai.



**WEB COPY** 10.On receipt of the entire case records in Special C.C.No.3 of 2020 (RC-03(E)/2012), the learned Additional Chief Judicial Magistrate/Additional Chief Metropolitan Magistrate, Egmore, Chennai to conduct simultaneous trial along with C.C.No.1 of 2020 (RC-12(E)/2016), which is transferred as per the order of this Court in Crl.O.P.No.1367 of 2025, dated 21.04.2025, by listing both the cases on the same day.

11.It is seen that there are 77 witnesses and 294 documents listed in the charge sheet. Though the charge sheet filed as early as in the year 2013, the case is kept pending without progress of trial for one reason or other for the past 12 years. Hence, the learned Additional Chief Judicial Magistrate/Additional Chief Metropolitan 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 entire case bundle. The Trial Court not to give long adjournments and list the case on a weekly basis.

12.It is made clear that by this transfer of case, the accused will not



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accrue any new right to file afresh petition for discharge which he has already availed and dismissed, confirmed by this Court in Crl.R.C.No.423 of 2020 by order, dated 20.01.2023.

13.In the result, 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 Court for CBI Cases,  
Chennai.
- 2.The Additional Chief Judicial Magistrate/  
Additional Chief Metropolitan Magistrate,  
Egmore, Chennai.
- 3.The Additional Superintendent of Police,  
Central Bureau of Investigation,  
Bank Securities and Fraud Cell,  
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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