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Crl.O.P.No.6582 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.6582 of 2025

and

Crl.M.P.No.4211 of 2025

Kamalakar

... Petitioner

Vs

1. The State by Inspector of Police,
Central Crime Branch,
37th Team, Vepery,
Chennai – 600 007.
(Crime No.233/2021)

2. Srinatha Reddy

... Respondents

Prayer: Criminal Original Petition filed under Section 447 of B.N.S.S., to direct the transfer of the case in C.C.No.1517 of 2024 on the file of the Court of the Metropolitan Magistrate for exclusive trial of CCB Cases (Relating to cheating cases in Chennai) and CBCID Metropolitan Cases, Egmore, Chennai-8 to any other Court.

For Petitioner : Mr.Sakayanathan

For Respondents : Mr.K.M.D.Muhilan,
Government Advocate (Crl. Side) for R1



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ORDER

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This Criminal Original Petition has been filed to direct the transfer of the case in C.C.No.1517 of 2024 from the file of the Court of the Metropolitan Magistrate for exclusive trial of CCB Cases (relating to cheating cases in Chennai) and CBCID Metropolitan Cases, Egmore, Chennai-8 to any other Court.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the first respondent and perused the materials available on record.

3. The petitioner is arrayed as the fourth accused on the complaint lodged by the second respondent. The first respondent registered an FIR in Crime No. 233 of 2021. After completion of investigation, the first respondent filed a final report before the Trial Court and the same has been taken cognizance in C.C. No. 1517 of 2024.

4. The learned counsel for the petitioner would submit that the



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petitioner filed a petition for discharge from all the charges and the same was dismissed. However, the said order was not uploaded and when the said order was uploaded, the petitioner filed a revision before this Court as against the dismissal of the discharge petition. The petitioner produced before the Trial Court in SR number and the Trial Court scolded the Steno, "Why did you upload the copy of the order?" He further submitted that the petitioner is coming from Andhra Pradesh and even then, the Trial Court, without considering the same, posted the matter frequently.

5. It is unfortunate to state that the Trial Court acted in accordance with the law, i.e., immediately after the dismissal of the discharge petition, to proceed with the trial. Further, the petitioner committed an offence within the jurisdiction of the first respondent and coming from Andhra Pradesh, the petitioner, being an accused, has to appear before the Trial Court at each and every hearing and co-operate for the trial before the Trial Court. Therefore, these grounds cannot be considered for the transfer of the entire trial, since the Trial Court is going in the right way by proceeding with the trial immediately after the dismissal of the discharge petition. Therefore, there are no grounds for the transfer of investigation.



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However, the Trial Court is directed to complete the trial within a period of six months from the date of receipt of a copy of this order. Consequently, the connected Miscellaneous Petition is closed.

06.03.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

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To

1. The State by Inspector of Police,
Central Crime Branch,
37th Team, Vepery,
Chennai – 600 007.
2. The Court of the Metropolitan Magistrate for exclusive
trial of CCB Cases (Relating to cheating cases in Chennai)
and CBCID Metropolitan Cases, Egmore, Chennai-8
3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN. J.

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