

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY ,THE TWENTY THIRD DAY OF DECEMBER TWO THOUSAND AND
TWENTY

**:PRESENT:
THE HONOURABLE SRI JUSTICE T.VINOD KUMAR**

**IA No. 4 & 5 OF 2020
IN
CRLP NO: 3104 OF 2019**

Between:

Kommalapati Kishore Babu, Business Development Manager (BDM), GTFL, Hyderabad, now Director, M/s. Growwell Fincon Services Pvt.Ltd., No.403, Prashanti Ram Towers, Yellareddyguda, Hyderabad-73.

...Petitioner/Accused No.1
(Petitioner in CRLP No. 3104 OF 2019
on the file of High Court)

AND

State represented by Inspector Police, Central Bureau of Investigation, EOW,
Chennai, Rep.by Special P.P. for CBI High Court, Hyderabad.

...Respondent/Complainant
(Respondents in-do-)

IA No. 4 OF 2020:

Petition under Section 482 of Cr.P.C., praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to extend the stay earlier granted vide order dated 07.08.2019 followed by subsequent orders dated 13.09.2019,15.11.2019. 24.01.2020 made in IA.No. 1 of 2020,20.03.2020 made in IA.No.2 of 2020 and dt.09.09.2020 made in IA.No. 3 of 2020 in Criminal Petition No.3 104 of 2019 till disposal of the CrI P.No.3104 of 2019, and pass Pending disposal of CRLP No. 3104 of 2019, on the file of the High Court.

IA No. 5 OF 2020 :

Petition under Section 482 of Cr.P.C., praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased To extend the stay earlier granted vide order dt: 07/08/2019 in CrIP No.3104/2019 till the disposal of the CrIP No 3104/2019 and pass Pending disposal of CRLP No. 3104 of 2019, on the file of the High Court.

IA NO: 1 OF 2019 :

Petition under Section 482 of Cr.P.C., praying that in the circumstances stated in the grounds filed in the criminal petition, the High Court may be pleased to stay all further proceedings including appearance of the petitioner in C.C.No.2 of 2018 on the file of the XXI Addl. Chief Metropolitan Magistrate-cum-Special Session Court, Hyderabad, pending disposal of CRLP 3104 of 2019, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the orders of the High Court dt. 07-08-2019 in CrI.p.No. 3104 of 2019, 13.09.2019 made in IA.No.2 of 2019 and order dt. 15-11-2019 in IA No. 3 of 2019 and order dated: 24.01.2020 made in IA No. 1 of 2020, 20.03.2020 made in IA.No.2 of 2020 and order dated 09-09-2020 in IA No.3 of 2020 and upon hearing the arguments of K R K V PRASAD Advocate for the Petitioner, SRI.K. SURENDER (SPL P.P.FOR CBI) Advocate for the Respondent, the Court made the following.

ORDER :

Heard learned counsel for the petitioner and learned Special Public Prosecutor for CBI.

The learned counsel for the petitioner submits that merely because Global Trade Finance Limited (GTFL) is taken over by the SBI Global Factors and Commercial Services Private Limited, subsequent to the occurrence of the alleged transactions between GTFL and Vasista Foods and Fats Private Limited, the same cannot be considered as having been undertaken with the "banker" thereby conferring jurisdiction on the CBI to investigate into the transactions and actions complained of prior to take concerning two private parties.

It is submitted by the learned counsel for the petitioner that what the authority could not do when such incident occurred cannot be undertaken subsequently, merely because a banker has taken over the company.

As the issue raised goes to the root of the matter involving the jurisdiction of CBI to cause investigation into the crime, this Court is of the view that, the interim order granted earlier is to be continued.

For the aforesaid reasons, the interim order granted earlier is hereby extended until further orders.

Accordingly, these applications are disposed of.

//TRUE COPY//

Sd/- M. MANJULA
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The XXI Additional Chief Metropolitan Magistrate-cum-Special Sessions Court, Hyderabad.
2. One CC to SRI. K R K V PRASAD Advocate [OPUC]
3. Two CCs to SRI. K SURENDER (SPL P P FOR CBI) High Court at Hyderabad OUT]
4. One spare copy

HIGH COURT

TVKJ

DATED:23/12/2020

ORDER

**IA No. 4 & 5 of 2020
In
CRLP.No.3104 of 2019**



INTERIM ORDER EXTENDED