

# **T.G.Nandakumar vs State Of Kerala & Ors on 12 July, 2013**

**Equivalent citations: AIRONLINE 2013 SC 454**

**Bench: Dipak Misra, H.L. Dattu**

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 921 OF 2013  
(@ SPECIAL LEAVE PETITION (CRL.) NO.3991 OF 2012)

T. G. NANDAKUMAR

... APPELLANT(S)

VERSUS

STATE OF KERALA & ORS.

... RESPONDENT(S)

O R D E R

1. Leave granted.

2. The appellant herein had filed petition under Section 482 Criminal Procedure Code (in short the 'Cr.P.C.') before the High Court to quash the F.I.R. No. 437/CR/OCW-II/EKM, dated 05.07.2010.

3. While entertaining the petition, the High Court initially had granted an interim order and stayed all further proceedings pending before the learned Magistrate.

4. When the matter was again listed before the High Court on 08.05.2012, High Court on the statement made by the Director General of Prosecution that the Government has already issued a Notification entrusting the investigation to the Central Bureau of Investigation (the 'C.B.I.' for short) has not extended the interim order granted earlier. Aggrieved by the same, the appellant is before us in this appeal, by Special Leave.

5. Shri Siddharth Luthra, learned Additional Solicitor General, appearing for the C.B.I. would submit that since the case being simple in nature does not require the expertise of the C.B.I. He further submits that the C.B.I. is not inclined to investigate the case that is pending against the appellant. In support of that submission, the learned Additional Solicitor General has produced a letter before us addressed to him by the C.B.I., Special Crime Branch, Thiruvananthapuram, dated 12.07.2013. The same is taken on record.

6. Since the learned Judge had not extended the interim order only on the ground that the matter has been entrusted to the C.B.I. and now that the C.B.I. is not interested to investigate the matter, in

our opinion, the interim order granted by the High Court required to be extended till the petition filed by the petitioner under Section 482 Cr.P.C. is decided on merits.

7. Accordingly, while extending the interim order granted by the High Court on 04.05.2012, we now request the High Court to decide the petition filed by the petitioner under Section 482 Cr.P.C. on merits in accordance with law. Till such time, the interim order granted by this Court shall enure to the benefit of the appellant.

No orders on the application for intervention.

The appeal is disposed of accordingly.

Ordered accordingly.

.....J. (H.L. DATTU) .....J. (DIPAK MISRA) NEW DELHI;

JULY 12, 2013