



W.P.(MD).No.19154 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved On : 20.12.2023
Pronounced On : 19.01.2024

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

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Punjab National Bank,
Rep by its Senior Manager,
J.Kingston,
Pudukottai Branch,
2470, South Main Road,
Pudukottai 622001.

... Petitioner

Vs.

1.The Government of India,
Rep by its Under Secretary,
Department of Personal and Training
Ministry Personal,
PG and Pensions, North Block,
New Delhi 110 001.

2.Central Bureau of Investigation,
6th Floor, Lodhi Road, Plot No.5-B,
Jawaharlal Nehru Stadium Marg,
CGO Complex, New Delhi,
Delhi 110003.

3.The Director General of Police,
Post Box No.601,



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Dr.Radhakrishnan Salai,
Mylapore, Chennai 600 004.

4.The Superintendent of Police,
Pudukottai District,
Pudukottai.

5.The Inspector of Police,
Pudukottai Town Police Station,
Pudukottai.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the first respondent to complete the investigation by engaging the second respondent and file the final report pertaining to Crime No.118 of 2019 under Section 409 of IPC and 120(b), 406, 465, 467, 468, 471, 420 and 381 of IPC, on the file of the fifth respondent herein within a stipulated period.

For Petitioner :Mr.Ananth C Rajesj

For Respondents :Mr.H.Velavadhan
Special CCG for R1

:Mr.M.Karunanithi
Special Public Prosecutor for CBI for R2

:Mr.T.Senthil Kumar
Additional Public Prosecutor for R3 to R5



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Pillayarpatti Branch, namely Mr.Magesh Sankar was directed for verification of outstanding jewels on 26.04.2019. But, the Appraiser did not turn up and failed to execute the allocated work on 26.04.2019. On enquiry, Mr.Magesh Sankar called on one of the branch employee Mr.Venkatesan and informed that he was approached by the accused at Pudukottai bus stand who pleaded not to verify the jewels, otherwise he would commit suicide. Further, accused called another staff Mr.Mareesh Kannan, Ex-Senior Manager on 28.04.2019 at 11.00 am and wanted to meet him in person. The Ex-Senior Manager directed the accused to come to the Branch on the next day ie. 29.04.2019. However, the accused did not attend the Branch and absconded since 29.04.2019. The Branch engaged a team of appraisers and verified the jewels. During the verification of jewel packets, the officials found 140 jewel packets were missing which were allegedly stolen by the accused. As per bank's guidelines, the Branch lodged official complaint with 5th Respondent on 04.05.2019 stating that gold jewels weighing total 14743 grams valued Rs.4,84,83,000 /-(Rupees Four Crores Eighty Four Lakhs and Eighty Three Thousand only) were stolen by the employee/accused. Based on the complaint, 5th Respondent had registered a



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criminal case against the accused on 04.05.2019 in Crime No.118 of 2019 under Section 409 of IPC. Subsequently, it was altered under Sections 409 and 120 (b), 406, 465, 468, 471, 420 and 381 IPC and found that the theft in the bank. As per the first respondent's communication, the second respondent is the competent authority to investigate the matter. Hence, there was a representation sent by the State Government to the first respondent by communication dated 22.12.2021. There was no response, the same was also communicated to the petitioner bank. The fourth respondent also sent a reminder for the same. On the basis of the fourth respondent's communication dated 09.02.2022, the Government sent the request by annexing all the copies of the papers to the first respondent to entrust the investigation with the second respondent. There was no action for the same. Hence, the petitioner bank filed this writ petition.

3. The learned counsel for the second respondent filed a counter stating that the investigating agency has duty bound to conduct the investigation only in respect of the banking fraud and not relating to the theft of jewels in the bank and the same was within the jurisdiction of the



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local police station, namely, the respondents 3 to 5. The representation of the Government was considered by the second respondent, by communication dated 06.12.2022, wherein it is stated as follows:

2. It is to be intimated that DoPT, vide ID No.228/44/2021-AVD-II dated 22.11.2022 has intimated to the Chief Secretary, Government of Tamil Nadu that the aforementioned case is not a fit case for investigation by CBI. A copy of the same is enclosed for ready reference".

Hence, he seeks dismissal of the present writ petition.

4.The learned counsel for the respondents 3 to 5 submitted that this is the offence relating to the bank, in all cases, the CBI alone investigated the case for the value fixed by the investigation of the first respondent. Hence, they have no jurisdiction to continue the investigation.

5.This Court considered the submissions of all the parties and the documents produced by both parties.



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6.It is clear from the records that more then the valuation, jewels were looted by the named accused. Due to the contra stand taken by the investigating agency, the investigation is paralyzed, in result, this affects the nature of the evidence, which resulted in the loss of the bank to the tune of Rs.4,84,83,000 /- (Rupees Four Crores Eighty Four Lakhs and Eighty Three Thousand only).

7. According to the averments made in the petitioner, the each individual who pledged the jewels with the bank, repeatedly make a claim to redeem the jewels. In the said circumstances, the first and second respondents, without taking the responsibilities to continue the investigation. The reasons stated that there is no jurisdiction for them regarding the theft of jewels and it has jurisdiction only in respect of the fraud taken place in the bank. The said submission of the second respondent, in the considered opinion of this Court, has no merit. When the huge fraud, is brought to the knowledge of the second respondent, that too, happened in the bank, it is the duty of the second respondent to investigate



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the matter and file a proper final report. Based on some portion of the communication stating that they have jurisdiction only in relation to the banking fraud, amounts to the shirking of its responsibility and hence, in the interest of justice as well as the interest of the individual customers of the bank, this Court is inclined to direct the second respondent to conduct the investigation in Crime No.118 of 2019.

8. Accordingly, this writ petition is allowed with the following directions:

(i) the respondents 3 to 5 are hereby directed to entrust the entire records to the second respondent office situated in Chennai; and

(ii) On receipt of such records, the second respondent is directed to complete the investigation and file a final report as per law.

19.01.2024

NCC :Yes/No
Index :Yes/No
Internet :Yes/No

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