

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2015

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM

Criminal Original Petition No.30703 of 2013

Devarajan

... Petitioner

vs.

1.State by Inspector of Police
DCB, Erode

2.Union of India by CBI
Anti Corruption Bureau
Chennai.

3.State by
The Superintendent of Police,
Erode, Tamil Nadu
The 3rd Respondent ... Respondents
{Amended as per order of this Court dated 23/9/2015 in mp.1/15
of Crl op.30703/15}

Criminal Original Petitions filed under Section 482 of the Code of Criminal Procedure praying to transfer the investigation in Crime No.20 of 2013 being done by the 1st respondent to the file of the 2nd respondent.

For Petitioner : Mr.K.P.Anantha Krishna

For Respondents: Mr.K.Srinivasan,
Special Public Prosecutor

सत्यमेव जयते
ORDER

This Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure, 1973, praying to withdraw and transfer the case registered in Crime No.20 of 2013 from the file of the 1st respondent to the file of the 2nd respondent.

2. The learned counsel appearing for the petitioner has contended with great vehemence that one Selladurai as borrower

has received a debt from Vijaya Bank, Erode, by way of pledging certain bogus documents relating to Survey No.344/2, which situates in Velachery, Chennai and on the basis of the reliable information and also assurances given by Bank Officials, the present petitioner has paid a sum of Rs.52,50,000/- to the said Bank and subsequently, the petitioner has come to know that all the documents produced by the borrower viz., Selladurai are concocted documents and therefore, a complaint has been given to the first respondent and the same has been registered in Crime No.20 of 2013. The first respondent has not registered the case in proper sections, nor conducted proper investigation. Under the said circumstances, the present petition has been filed.

3. The learned Special Public Prosecutor has contended that the first respondent, after registering the case in Crime No.20 of 2013, has done proper investigation by way of collecting so many materials and therefore, investigation need not be transferred from the file of the first respondent to the file of the second respondent.

4. On the basis of diverging submissions made on either side, this Court has perused the entire Case Diary and ultimately found that the complaint in question has been registered on 14.06.2013 in Crime No.20 of 2013. Even though in the complaint, it has been specifically alleged that the borrower viz., Selladurai has defrauded Vijaya Bank, Erode by way of submitting bogus records, the first respondent has not evinced proper interest in collecting materials. Infact, the first respondent has examined only few witnesses. Even the first respondent has not examined the real owners of Survey No.344/2 and under the said circumstances, this court is of the view that the first respondent has shown only desultory conduct in conducting investigation and therefore, it is not feasible to allow him to conduct further investigation. Under the said circumstances, the investigation pending on the file of the first respondent is liable to be transferred to the file of the second respondent.

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5. In fine, this Criminal Original Petition is allowed. The case registered in Crime No.20 of 2013 is ordered to be withdrawn from the file of the first respondent and transferred to the file of the second respondent. The second respondent is directed to conduct proper and speedy investigation.

Sd/-
Assistant Registrar (CO)

True Copy

Sub Assistant Registrar

To

1.State by Inspector of Police
DCB, Erode

2.Union of India by CBI
Anti Corruption Bureau
Chennai.

3.The Superintendent of Police,
Erode, Tamil Nadu.

+1cc to Mr.K.P.Ananthakrishnan, Advocate Sr.58962

Cr1.O.P.No.30703 of 2013

tm[co]
srg 27/11/2015

सत्यमेव जयते

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