

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.O.P.No.14889 of 2015
and
M.P.No.1 of 2015

E.Prem Kumar

...Petitioner

Vs

1. The Additional Director General of Police,
Crime Branch Investigation Department
(CBCID),
No.220, Pantheon Road,
Egmore, Chennai - 600 008.

2.The Commissioner of Police,
Coimbatore City,
Hosur Road, Coimbatore - 641 018.

3. State: Rep.by
The Inspector of Police,
City Crime Branch, Coimbatore - 641 018,
Crime No.18 of 2015, Coimbatore.

4. Rev.S.Prince Calvin
5. I.Thangaiah nadar
6. P.S.M.Ravi Inbasingh

(Respondents 4 to 6 are impleaded
as per order of this Court dated
22.06.2015 in Crl.M.P.No.5424 of 2016)

...Respondents

Prayer:- Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure to transfer the investigation in Crime No.18 of 2015 from the file of the Inspector of Police, City Crime Branch, Coimbatore to any other competent investigating agency, preferably the Central Bureau of Investigation.

For Petitioner :Mr.R.John Sathyan

For Respondent :Mr.C.Emalias
Nos. 1 & 2 Additional Public Prosecutor

For Respondent :Mr.M.Kamalanathan
Nos.3 to 6

O R D E R

This Criminal Original Petition has been filed to transfer the investigation in Crime No.18 of 2015 from the file of the Inspector of Police, City Crime Branch, Coimbatore to any other competent investigating agency, preferably the Central Bureau of Investigation.

2. Heard the learned counsel appearing for the petitioner, the learned Additional Public Prosecutor appearing for the respondents 1 & 2 and the learned counsel for the respondent 3 to 6.

3. On a complaint lodged by the petitioner, the respondent police registered a case in Crime No.18 of 2015 on 23.03.2015 for offences under Sections 406, 465, 477A, 420 and 120 (B) IPC against 21 members of C.S.I Diocese and investigation, by the Inspector of Police, Central Crime Branch, is in progress. While so, the defacto complainant is before this Court alleging that the investigation is not going on the right lines and hence, the case should be transferred to a Specialised Agency.

4. Per contra, Mr.M.Kamalanathan, learned counsel for the respondents 3 to 6 would submit that the petitioner has no locus-standi to file the complaint, inasmuch as no one else in the diocese have made any allegation against the council of members and that, the accused, even before the Inspector of Police, Central Crime Branch, submitted all the records as there is nothing to hide.

5. Mr.Mariamuthu, The Inspector of Police, City Crime Branch, has filed a status report narrating the steps, he has taken for investigation of this case. In the Status Report, wherein, in paragraphs 3 & 4, it is stated as follows;

" 3. I submit that I have visited to the scene of occurrence and examined the following witnesses and recorded their statements.

1. Tr.Premkumar - complainant
2. Tr.Muthusamy @ Bose - purchaser of CSI church land
- 3.Tr.G.Ramasamy, 4.Tr.Sivakumar,
- 5.Tmt.Geetha Balakrishnan, 6. Tr.G.Palanisamy,
7. Tr.G.Krishnan, 8. Tr.N.Rajendran,
9. Tmt.G.Lakshmi, 10. Tr.N.Palanisamy,
11. Tr.G.Velusamy, 12. Tr.N.Selvan - who were sold their lands to CSI Church.

Witnesses No.1 corroborated the same version of the complaint.

Witnesses No.2 stated that he purchased the CSI church's land and fixed the land cost of value of Rs.5,67,00,000/- as per the guide line it was registered for Rs.1,56,78,000/- and as per the request of the CSI Church committee members the remaining amount of Rs.4,10,22,000/- were

paid as donation.

Witnesses No.3 to 12 stated that they are the legal heirs of one Kuppammal for their ancestral property to an extent of 9 3/4 cents, comprised in S.No.172, 173 situated at Sanganur Village and sold their property of Rs.2,93,67,751/- and settled the said amounts to the committee members and there was no outstanding dues to be paid by the committee members.

4. I submit that during the course of the investigation, I have issued summons to the accused persons (A1 to A21) and called for explanation for which except Robert Prooze and Devakataksam, the others appeared before me and had denied the allegations made by the petitioner in his petition and further stated that as per the resolution passed by the committee members of CSI Church only, they made the said sale transactions and they neither violated the rules of CSI Church nor committed any forgery, manipulation of accounts as stated by the petitioner in his petition and further they have given the relevant papers pertaining to this case for investigation purpose. "

6. In the FIR, the petitioner alleged that the members of the Diocese have committed acts of financial irregularity and mismanaged the affairs of the Diocese.

7. Taking into consideration the nature of the allegation in the FIR, this Court is of the view that it is not a fit case to transfer the investigation to any other specialised agency as prayed for by the petitioner. It would suffice, if the Assistant Commissioner of Police, Central Crime Branch, is directed to conduct the investigation in Crime No.18 of 2015 and either file the final report or closure report as the case may be, under due intimation to the petitioner.

In view of the above direction, the criminal original petition is closed. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (J)

/true copy/

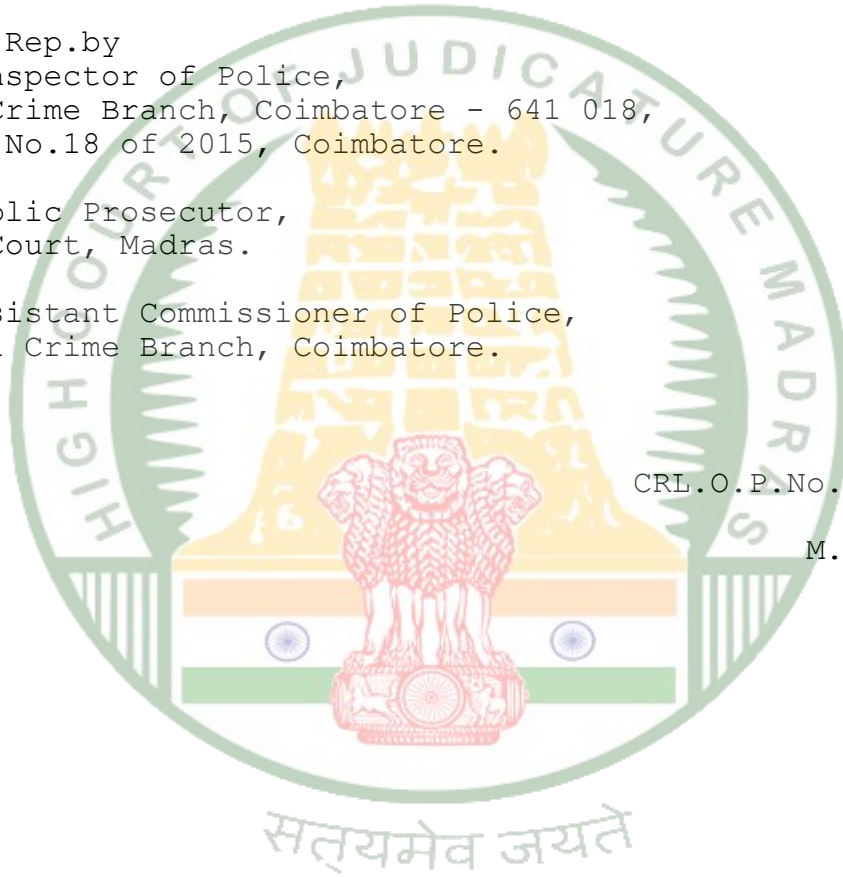
Sub Asst. Registrar

To

1. The Additional Director General of Police,
Crime Branch Investigation Department
(CBCID),
No.220, Pantheon Road,
Egmore, Chennai - 600 008.
- 2.The Commissioner of Police,
Coimbatore City,
Hosur Road, Coimbatore - 641 018.
3. State: Rep.by
The Inspector of Police,
City Crime Branch, Coimbatore - 641 018,
Crime No.18 of 2015, Coimbatore.
4. The Public Prosecutor,
High Court, Madras.
5. The Assistant Commissioner of Police,
Central Crime Branch, Coimbatore.

bvr(co)
krd 14/7

CRL.O.P.No.14889 of 2015
and
M.P.No.1 of 2015



WEB COPY