

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2016

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN
and
THE HON'BLE MR.JUSTICE S.BASKARAN

Criminal Original Petition Nos.15381 to 15393 and 15629 of 2016
and
Criminal M.P.Nos.9210 and 9985 of 2016

U.Saravanan	..	Petitioner in Crl.O.P.No.15381 of 2016
G.Dhamotharan	...	Petitioner in Crl.O.P.No.15382 of 2016
Dr.K.Thangamani	...	Petitioner in Crl.O.P.No.15383 of 2016
M.Mohamed Muthu	..	Petitioner in Crl.O.P.No.15384 of 2016
R.Radha krishnan	...	Petitioner in Crl.O.P.No.15385 of 2016
Dr.K.Jayachandran	..	Petitioner in Crl.O.P.No.15386 of 2016
Dr.K.Sakundhala	..	Petitioner in Crl.O.P.No.15387 of 2016
Jaya Kumar	..	Petitioner in Crl.O.P.No.15388 of 2016
R.Chandrasekharan	..	Petitioner in Crl.O.P.No.15389 of 2016
M.Rajavel	..	Petitioner in Crl.O.P.No.15390 of 2016
Dr.P.Balakrishnan	..	Petitioner in Crl.O.P.No.15391 of 2016
Dr.D.Jayashankar	..	Petitioner in Crl.O.P.No.15392 of 2016

A.Bhaskara Sethupathy Pandian

.. Petitioner in
Crl.O.P.No.15393 of 2016

V.Jothi Prakash

.. Petitioner in
Crl.O.P.No.15629 of 2016

Vs

- 1.The State of Tamilnadu,
rep by its Home Secretary,
Department of Home,
Secretariat,
Fort St. George,
Chennai-9.
- 2.The Director General of Police,
Dr.Radhakrishnan Road,
Mylapore,
Chennai-4.
- 3.The Commissioner of Police,
Vepery, Chennai-8.
- 4.The Joint Director and Head of the Zone,
Central Bureau of Investigation (CBI),
III Floor,
E.V.K.Sampath Building,
College Road,
Chennai.
- 5.The Inspector of Police,
City Crime Branch (CCB),
Commissioner of Police Premises,
Chennai.

.. Respondents in
all Criminal Original Petitions

Prayer: Petitions filed under Section 482 of the Code of Criminal Procedure, 1973, seeking direction to the first respondent to withdraw the case in Crime No.143 of 2016, under Sections 406, 420, read with Section 34 I.P.C., on the file of the fifth respondent, dated 4.6.2016 and to entrust the same to the fourth respondent, for an investigation of the case by a competent officer and to file a final report before the jurisdictional Magistrate within the time stipulated by this Court.

For Petitioner : Mr.R.C.Paul Kanakaraj
in all petitions

For Respondents: Mr.V.M.R.Rajentren
Additional Public Prosecutor for RR1 to 3, 5
Mr.K.Srinivasan, Spl.P.P. for CBI for R-4

COMMON ORDER

[Order of the Court was made by M.JAICHANDREN, J.]

Heard Mr.R.C.Paul Kanakaraj, learned counsel appearing on behalf of the petitioners, as well as Mr.V.M.R.Rajentren, the learned Additional Public Prosecutor, appearing on behalf of the respondents 1 to 3 and 5 and Mr.K.Srinivasan, learned Special Public Prosecutor (C.B.I.), appearing on behalf of the fourth respondent.

2 The above Criminal Original Petitions have been filed, claiming that this Court may be pleased to direct the first respondent to withdraw the case, in Crime No.143 of 2016, registered under Sections 406 and 420, read with Section 34 of the Indian Penal Code, pending on the file of the fifth respondent, and to entrust the same to the fourth respondent, for investigation and for filing the final report, before the jurisdictional Magistrate, within the time stipulated by this Court.

3 The above Criminal Original Petitions have been filed by various persons, most of them being parents of the candidates, who had applied for an admission to M.B.B.S. and post graduate medical courses, in the S.R.M. Group of Educational Institutions, Chennai.

4 It has been alleged that the T.R.Patchaimuthu @ Parivendhan is the Founder-cum-President of the S.R.M. Group of Educational Institutions, Chennai. It has been further stated that huge amounts of money had been collected from the petitioners, on the promise that they would be given admission in the courses that they had applied for.

5 The learned counsel appearing on behalf of the petitioners had further submitted that, based on the complaints preferred by a number of persons, including the petitioners, a case, in Crime No.143 of 2016, had been registered against Babu of India Jananayaga Katchi, Sudhir and Madhan of Vendhar Movies and against the management of the S.R.M. Group of Educational Institutions, Chennai, under Sections 406 and 420, read with Section 34 of the Indian Penal Code. It had also been stated that the prime accused, connected with the said episode, is T.R.Patchaimuthu @ Parivendhan, who is the Founder-cum-President of the S.R.M. Group of Educational Institutions.

6 The learned counsel appearing on behalf of the petitioners had submitted that several complaints had been made against Madhan, who is said to have received huge amounts of money on instruction of T.R.Patchaimuthu @ Parivendhan. It had also been stated that many persons had been arrested and their

confessional statements had been recorded. However, the said statements had not been made public. The petitioners are kept in the dark as to the fate of the case and as to what had happened to the amounts paid by them. They have not been shown the relevant records relating to the matter.

7 The learned counsel appearing on behalf of the petitioners had further submitted that the investigation, being conducted by the fifth respondent, is biased and therefore, it has raised a number of doubts in the minds of the petitioners, as to whether the investigation and the trial of the case would be conducted in a fair and proper manner. The learned counsel had relied on the decisions of the Supreme Court, in Sri Jayendra Saraswathy Swamigal Vs. State of Tamil Nadu and others, reported in 2005 (5) CTC 703 and Sasi Thomas Vs. State and others, reported in (2006) 12 SCC 421, to state that the criminal case can be transferred to a different investigating agency, if there is a reasonable apprehension that justice may not be done following a fair trial. Therefore, the petitioners have filed the above Criminal Original Petitions before this Court, praying that the investigation of the case, in Crime No.143 of 2016, on the file of the fifth respondent, ought to be entrusted to the fourth respondent, to ensure proper investigation and trial of the case.

8 Per contra, the learned Additional Public Prosecutor, appearing on behalf of the respondents 1 to 3 and 5, had submitted that a number of persons, including Madhan had been arrested and remanded in judicial custody. It had also been stated that, on 8.9.2016, a conditional bail had been granted to T.R.Patchaimuthu @ Parivendhan, by the Principal Sessions Court, on condition that a sum of Rs.75 Crores be deposited in the Court. Accordingly, a sum of Rs.75 Crores had been deposited to the credit of the case, in Crime No.143 of 2016, on 9.9.2016, in compliance of the bail order.

9 The learned Additional Public Prosecutor had further submitted that the investigation is being conducted by a team of police officers, under the guidance of Mr.S.Radhakrishnan, Additional Deputy Commissioner of Police, Central Crime Branch and under the supervision of Mr.Sudhakar, I.P.S., Deputy Commissioner of Police, Ambattur and Ms.Lalitha Lakshmi, I.P.S., Deputy Commissioner, Central Crime Branch. It has been further stated that the investigation is being conducted, efficiently, as per the procedures established by law, contrary to the allegations made by the petitioners. The apprehension in the minds of the petitioners that the investigation and the trial of the case would not be done properly is ill-founded. The officers involved in the investigation of the case have been making good progress and it is expected that necessary formalities would be completed, as per law, for the commencement of the trial in the

matter, without any undue delay. Hence, there is no necessity for the withdrawal of the case from the fifth respondent and to entrust the same, for further investigation, to the fourth respondent, as prayed for by the petitioners in the criminal original petitions.

10 In view of the submissions made by the learned counsel appearing on behalf of the petitioners and the learned counsels appearing on behalf of the respondents and on a perusal of the records available, this Court is of the considered view that the apprehension expressed by the petitioners that no proper investigation would be done, by the fifth respondent, in the case, in Crime No.143 of 2016, is ill-founded. Nothing has been placed before this Court to substantiate the allegations made by the petitioners in the above criminal original petitions and to persuade this court to accept the same.

11 From the status report filed by Mr.S.Radhakrishnan, Additional Deputy Commissioner of Police, Central Crime Branch-II, dated 29.11.2016, in the Habeas Corpus Petition, in H.C.P.No.1122 of 2016, and in view of the submissions made by the learned Additional Public Prosecutor appearing on behalf of the respondents 1 to 3 and 5, it is noted that a number of accused persons had been arrested and remanded in judicial custody. Based on the order passed by the Principal Sessions Court, Chennai, dated 8.9.2016, a sum of Rs.75 Crores had been deposited to the credit of Crime No.143 of 2016, before the XI Metropolitan Magistrate Court, Saidapet, in compliance with the condition imposed by the said Court, while granting bail to T.R.Patchaimuthu @ Parivendhan. Further, the claim of the petitioners that confessional statements recorded by the fifth respondent and the other records relating to the case ought to be shown to the petitioners, cannot be sustained. No infirmity or illegality has been shown in the investigation being done by the fifth respondent relating to Crime No.143 of 2016.

12 It is also noted that a team of investigating officers is carrying on the investigation, under the guidance of Mr.S.Radhakrishnan, Additional Deputy Commissioner of Police, Central Crime Branch and under the supervision of Mr.Sudhakar, I.P.S., Deputy Commissioner of Police, Ambattur and Ms.Lalitha Lakshmi, I.P.S., Deputy Commissioner, Central Crime Branch. In such circumstances, we are of the considered view that the claims made by the petitioners, in the above Criminal Original Petitions, are devoid of merits and therefore, they are liable to be dismissed. Hence, the Criminal Original Petitions are dismissed. No costs. However, we find it appropriate to observe that it would be open to the petitioners to claim the amounts, said to have been paid by them for getting admission in the various medical courses, in the S.R.M. Group of Educational Institutions, Chennai, by showing sufficient proof, as may be

necessary, before the appropriate forum, at the appropriate stage, in the manner known to law. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

To

- 1.The Home Secretary,
The State of Tamil Nadu,
Department of Home,
Secretariat,
Fort St. George,
Chennai-9.
- 2.The Director General of Police,
Dr.Radhakrishnan Road,
Mylapore,
Chennai-4.
- 3.The Commissioner of Police,
Vepery, Chennai-8.
- 4.The Joint Director and Head of the Zone,
Central Bureau of Investigation (CBI),
III Floor,
E.V.K.Sampath Building,
College Road,
Chennai.
- 5.The Inspector of Police,
City Crime Branch (CCB),
Commissioner of Police Premises,
Chennai.
- 6.The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.V.balu,advocate,sr.70697.

+1 cc to M/s.R.C.Paul Kanagaraj,advocate,sr.71625 (7/12)

mp(co)

krd 1/12

Cr1.O.P.Nos.15381 to 15393 and
15629 of 2016