

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.23823 of 2015

Sagar

... Petitioner

Vs

State: rep by
Inspector of Police,
D.4, Jambazar Police Station,
Chennai - 14.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to pass an order to transfer F.I.R.No.700/15 from the file of Inspector of Police, D.4, Jam Bazar Police Station, Chennai-14 to some other police Station or any other agency for investigation.

For Petitioner : Mr.A.K.M.Samsunihar

For Respondent : Mr.C.Emalias,
Additional Public Prosecutor.

O R D E R

This petition has been filed to to transfer F.I.R.No.700/15 from the file of Inspector of Police, D.4, Jam Bazar Police Station, Chennai-14 to some other police Station or any other agency for investigation.

2. In the affidavit it is stated that the petitioner is carrying on business under the name and style "Star Testing" at No.5/9, Devaraj Street, Triplicane, Chennai-5. The nature of his business is to test the purity of gold brought by the customers. One Sarath who was working in "Malabar 916 Jewellery" used to bring jewels for testing. On 5.5.2015, the said Sarath requested the petitioner that he is in urgent need of 700 grams of gold and stated that he will pay its value. The petitioner was having only 410 grams of gold and he is ready to give the

same to Sarath. Sarath told the petitioner to take the gold and come to bank along with him so that he would draw money from the Bank and pay him. Since the petitioner was busy with his work, he sent his men with gold along with Sarath. But Sarath took the gold from the said person and went inside the bank asking him to wait outside. Since Sarath did not return, the man sent by the petitioner went inside the bank and searched for Sarath but he could not find him. The said Sarath had vanished from there with the gold. The same was intimated to the petitioner and the petitioner gave a complaint with the respondent police against Sarath on 5.5.2015. Subsequently, the petitioner came to know that Sarath has misappropriated 1850 gms of gold from Malabar 916 Jewellery where he was working and the owner of the said firm gave a complaint to the respondent police on 22.6.2015 and the said Sarath was arrested on 8.7.2015 and he was sent to judicial custody. But the respondent police had not recovered the jewels of the petitioner from Sarath and no action was taken on the complaint of the petitioner so far. The respondent police is lethargic in conducting investigation in the matter. Hence, the present petition has been filed by the petitioner to transfer the investigation.

3. Heard learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

4. Learned Additional Public Prosecutor opposed this petition stating that the respondent police are not lethargic in investigating the matter. They are taking all efforts to recover the gold. He further submitted that no valid reason has been assigned in the petition for transfer of the case to some other investigating agency.

5. In view of the submissions made on either side, this Court directs the respondent police to expedite the investigation in FIR.No.700/2015 and file a final report as early as possible. The Assistant Commissioner, Triplicane, Chennai, is directed to monitor the investigation. The criminal original petition is disposed of accordingly.

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Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vsi

To

1.The Inspector of Police,
D.4, Jambazar Police Station,
Chennai - 14.

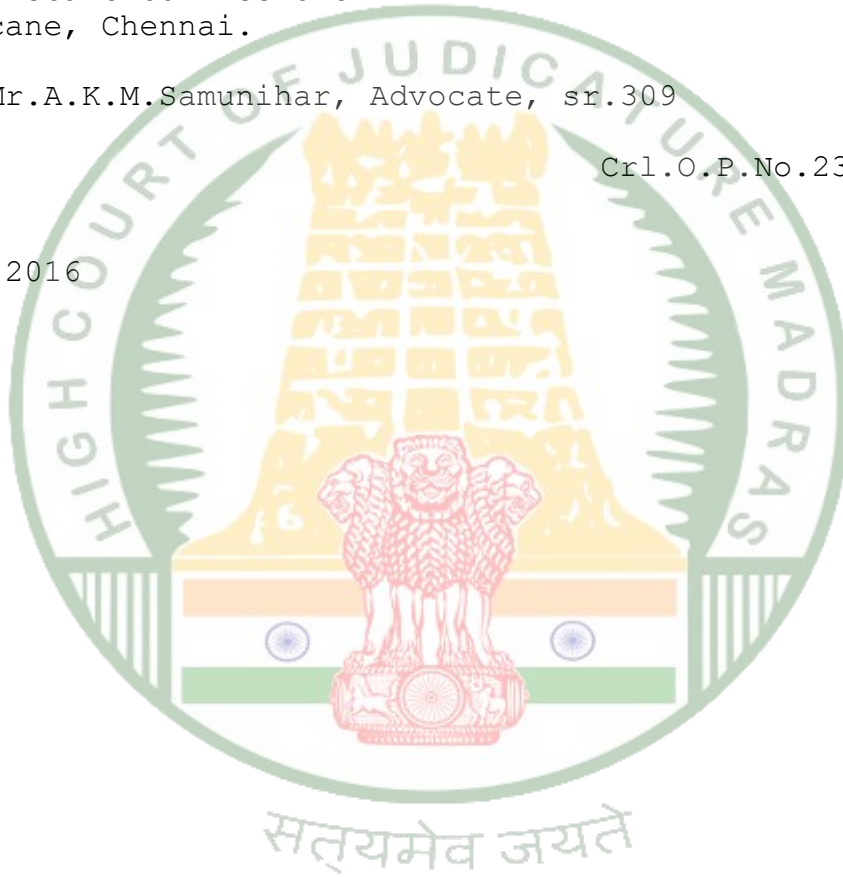
2. The Public Prosecutor, High Court, Chennai.

3. The Assistant Commissioner
Triplicane, Chennai.

+1 cc to Mr.A.K.M.Samunihar, Advocate, sr.309

Crl.O.P.No.23823 of 2015

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