

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.26399 of 2015

M.V.Sivakumaran ..Petitioner/Complainant

Vs

1.State by

The Inspector of Police
SIPCOT Police Station
Hosur.

2.The Superintendent of Police

Special Crime Branch
Sastri Bhavan
Haddows Road, Chennai.

.. Respondents/Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to exercise its powers granted u/s 482 Cr.P.C. and order transfer of investigation in Cr.No.48/2014 on the file of the Inspector of Police, SIPCOT P.S. Hosur, the 1st respondent herein to the Superintendent of Police, Special Crimes Unit, CBI/Chennai 2nd respondent herein.

For Petitioner : Ms.M.Anitha
for M/S.Sivanandh and Associates

For R1 : Mr.C.Emalias,
Addl.Public Prosecutor [for R1]

For R2 : Mr.K.Srinivasan,
Special Public Prosecutor [CBI]

W E B C O P Y
O R D E R

This petition has been filed to order transfer of investigation in Cr.No.48/2014 on the file of the Inspector of Police, SIPCOT P.S. Hosur, the 1st respondent herein to the Superintendent of Police, Special Crimes Unit, CBI/Chennai 2nd respondent herein.

2. On the complaint given by the petitioner, the respondent police registered a case in Cr.No.48/2014 against accused 3 and

4 for offences u/s 454, 380, 120(B) and 413 IPC. It is the case of the de facto complainant that his house was burgled on 05.03.2014 and he had lost heavily. During the course of investigation, the Tamil Nadu police received intelligence that the accused are involved in similar cases in Karnataka and with the help of the Karnataka State SCRB/CCB, the accused were located and arrested. It is the grievance of the petitioner that he had lost about 120 sovereigns of gold, but whereas, the police were able to recover only very less quantity and therefore, the petitioner seeks re-investigation by the CBI.

3. In a case of this nature, when inter-state gang robbers are involved, failure of the police to seize the entire lost property cannot be a reason to order re-investigation by CBI. The Supreme Court in *State of West Bengal vs. the Committee for Protection of Democratic Rights*, [2010 (2) Scale 467], has held that the High Court should be slow in transferring cases to the Central Bureau of Investigation and in *Sudipta Lenka vs. State of Odisha and others*, [(2014) 11 SCC 527], has laid down the parameters for transfer of a case to the Central Bureau of Investigation. The facts obtaining in this case does not pass muster the law laid down in the said judgments.

Property offences are best detected only by the local police, since they have the necessary intelligence network system in place, especially in border districts. Under such circumstances, this Court is of the view that this is not a fit case to order re-investigation. Accordingly, this petition is closed with a direction to the respondent police to complete the investigation expeditiously.

Sd/-
Assistant Registrar(CS III)

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सत्यमेव जयते
Sub Assistant Registrar

To

1.The Inspector of Police
SIPCOT Police Station
Hosur.

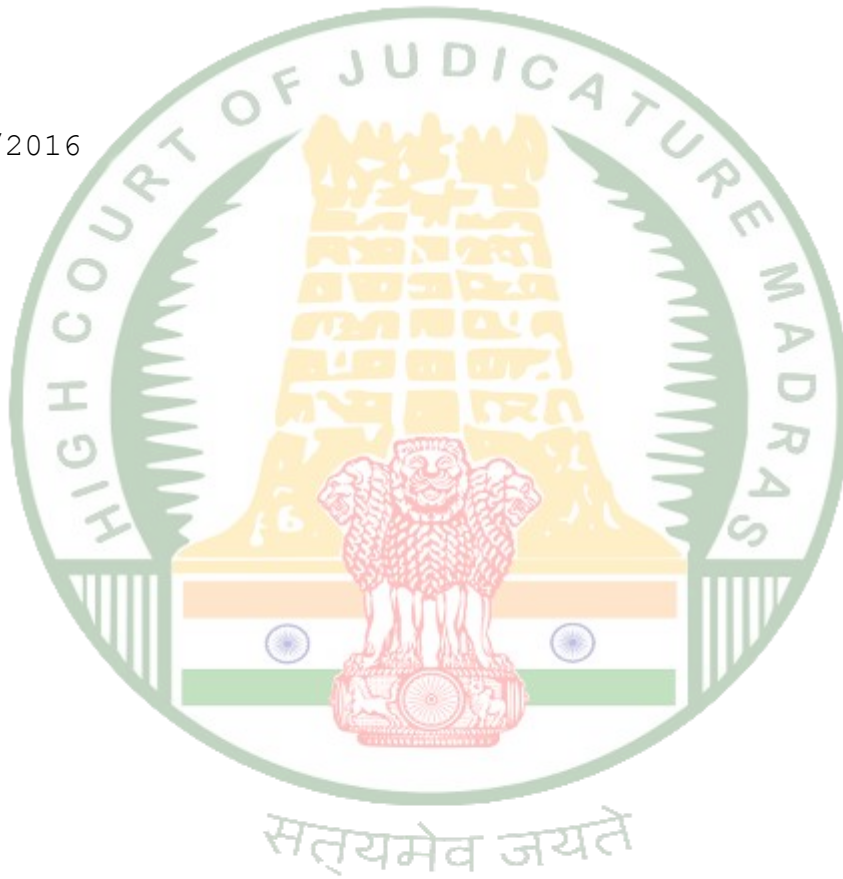
2.The Superintendent of Police
Special Crime Branch
Sastri Bhavan
Haddows Road, Chennai.

3.The Public Prosecutor,
High Court,
Madras.

+2cc to M/S.Sivanandh & Associates, Advocate Sr.36730

Cr1.OP No.26399 of 2015

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srg 23/07/2016



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