

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

CrI.O.P.No.28555 of 2015

J.Saravanan

... Petitioner

Vs

1.Additional Superintendent of
Police,
Central Bureau of Investigation,
Economic Offences Wing,
Chennai-90.

2.State, represented by
The Superintendent of Police,
Thiruppur District at Thiruppur.

3.The Sub Inspector of Police,
Central Crime Branch,
Thiruppur,
Thiruppur District.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C.
to issue a direction to the first respondent herein to complete the
investigation in case No.R.C.No.12/E/2011/CBI/EOW/CHENNAI and to file
a final report within a stipulated time that may be fixed by this
Court.

For Petitioner : Mr.D.Senthil Kumar

For Respondents : Mr.K.Srinivasan,
Spl. Public Prosecutor
for CBI Cases.

ORDER

The present criminal original petition has been filed
seeking a direction to the first respondent herein to complete the
investigation in case No.R.C.No.12/E/2011/CBI/EOW/CHENNAI and to file
a final report within a stipulated time that may be fixed by this
Court.

2. It is the case of the petitioner that he and his family members had invested a sum of Rs.41,42,000/- on various dates, under various schemes in Paaze Marketing Company, Thiruppur. On 12.1.2010, post dated cheques were issued by the said company for repayment of the principal amount. When the cheques were presented for encashment, they were returned for want of funds. In the meantime, the petitioner came to know that the Directors of the said company were arrested and its properties and bank accounts were freezed by the Government due to various illegalities committed by them. Hence, the petitioner preferred a complaint on 22.2.2010 before the third respondent herein. Since no effective steps were taken on the complaint given by the petitioner, the petitioner filed a petition before this Court in Crl.O.P.No.5160 of 2010 seeking a direction to the respondents register a case on his complaint dated 22.2.2010 and this Court, by an order dated 15.3.2010, directed the respondents 2 and 3 to register a case on the complaint of the petitioner dated 22.2.2010 and investigate the same. Thereafter, since many complaints were started to be lodged against the said company by hundreds of people alleging non-repayment and looting of crores of rupees, the investigation of the offences relating to the said company was transferred to Central Bureau of Investigation. Subsequently, the first respondent summoned the petitioner and asked him to produce all the relevant documents relating to his complaint and on 7.1.2013, the petitioner appeared before the first respondent and produced all the relevant records for which a receipt memo was also given by the first respondent. Later, the petitioner learnt that the case in Crime No.2 of 2010 was renumbered as R.C.No.12/E/2011/CBI/EOW/CHENNAI on the file of the first respondent. Though the case was registered in the year 2010, till date, there is no progress in the investigation. Hence, the petition.

3. Today, when the matter was taken up for consideration, a detailed additional counter affidavit was filed by the first respondent, wherein it has been stated that during the course of investigation, the petitioner was examined and cited as a witness and his name is found in Sl.No.4 of the list of additional witnesses in RC.No.12/E/2011 of CBI, EOW, Chennai. The documents collected from the petitioner were cited in the list of documents and enclosed along with the supplementary charge sheet in the list of documents in Sl.Nos.2292 to 2301 and the same was filed before the learned Special Judge for TNPID Cases, Coimbatore and trial is under progress. Moreover, this Court, by order dated 20.11.2014 in Crl.O.P.No.3311 of 2014 has appointed Mr.M.Thangaraju, the retired District Judge, Cimbatore, to identify the genuine depositors and the quantum of the claim and to scrutinise all the records of various schemes floated by the petitioner under the control of one Mohanraj, Director of M/s.Pazee company and the same is also under progress. As a result of the consistent follow up by CBI, EOW, Chennai, the Official

Receiver, the Insolvency Office, Ministry of Law, URA Centre (East Wing), 45, Maxwell Road, No.7-11, Singapore-069118, had asked for a submission of deed of indemnity signed by the said Mohanraj and the District Revenue Officer, Coimbatore to repatriate the monies (net amount) \$ 730796.67 (amounting to around Rs.5 crores) lying the HSBC Bank, Singapore to the account of the District Revenue Officer, Coimbatore, India and the same has been complied with and forwarded through CBI HO New Delhi, IPCC Cell to the Singaporean Authorities and awaiting for further progress. Thus, the first respondent sought for the dismissal of the petition.

4. I have heard the submissions made on either side and perused the entire materials available on record.

5. In the present writ petition, the petitioner has sought for a direction to the first respondent herein to complete the investigation in case No.R.C.No.12/E/2011/CBI/EOW/CHENNAI and to file a final report. From the materials available on record, I find that the said case is under progress and the petitioner was cited as a witness and his name is found in Sl.No.4 of the list of additional witnesses. Further, the documents collected from the petitioner were cited in the list of documents and enclosed along with the supplementary charge sheet in the list of documents in Sl.Nos.2292 to 2301. Considering the progress of the case, I am of the opinion, there is no need to give any specific direction to the first respondent.

6. Therefore, recording the statement made in the additional counter filed by the first respondent, the criminal original petition is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

sbi

To

1.The Additional Superintendent of
Police,
Central Bureau of Investigation,
Economic Offences Wing,
Chennai-90.

2.The Superintendent of Police,
Thiruppur District at Thiruppur.

3.The Sub Inspector of Police,
Central Crime Branch,
Thiruppur,
Thiruppur District.

4.The Special Public Prosecutor for CBI Cases, Chennai

1 cc Mr.D.Senthil Kumar, Advocate Sr.37367

Cr1.O.P.No.28555 of 2015

gj II(co)
pmk.23/07/2016



WEB COPY