

THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.10.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Criminal Original Petition No.22149 of 2016
and
Crl.M.P.No.10285 of 2016

S.Nandakumar,
Managing Partner,
T.K.T. Motors,
Tirupur Bunk Bus Stop,
Tirupur.

... Petitioner

-Versus-

1. State of Tamil Nadu
Rep. by Inspector of Police,
Tirupur South Police Station,
Tirupur Town,
Tirupur.

2. Rafeeqe Raja ... Respondents

Petition filed under Section 482 of Cr.P.C. praying to order for transfer of the case in Crime No.64 of 2016 dated 22.01.2016 pending on the file of the 1st respondent to any other investigating agency / or to any other officer with a direction to conduct fair and proper investigation and to file final report in accordance with law.

For Petitioner : Mrs.Selvi George

For Respondent(s) : Mr.C.Emalias,
Additional Public Prosecutor
for R1

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ORDER

On the complaint given by the petitioner S.Nandakumar, Managing Partner of T.K.T. Motors, Palladam Road, Tirupur, the 1st respondent police have registered a case in Crime No.64 of 2016 on 22.01.2016 under Sections 406, 420 and 506(i) of IPC against one Rafeeqe Raja [the 2nd respondent] and (2) one Kannikadevi and investigation is in progress.

2. It is the case of the de facto complainant that Rafeeqe Raja was an employee in T.K.T. Motors and that in

connivance with the other accused, he had misappropriated amounts for over a period of time to the tune of rupees twenty five lakhs. It is the grievance of the de facto complainant that investigation is not progressing in right lines and hence, he has prayed for transfer of investigation.

3. Mr.N.Ramkumar, the Inspector of Police, Tirupur South Police Station, is present today.

4. On instructions, the learned Additional Public Prosecutor submitted that the 1st respondent police arrested Rafeeqe Raja and he has now been released on bail. The police have also seized certain items including a vehicle bearing Regn. No.TN 42 M 0775 and the same were also produced before the jurisdictional Magistrate.

5. This court gave it s anxious consideration to the rival submission.

6. The allegations in the FIR is that there has been misappropriation of amounts to the tune of rupees twenty five lakhs for over a period of time by Rafeeqe Raja in conspiracy with certain other accused. In the considered opinion of this court it will be in the fitness of things if this case is transferred from the file of Law and Order Police to the file of Central Crime Branch, Tirupur for investigation as the allegation essentially appears to be commission of white colour offence which can be best investigated only by the Central Crime Branch since the Law and Order Police will be burdened with other day to day responsibilities for maintaining peace and order.

7. In the result, this criminal original petition is allowed and the case in Crime No.64 of 2016 pending on the file of the 1st respondent police is transferred to the file of the Central Crime Branch, Tirupur for investigation. The Inspector of Police, Tirupur South Police Station is directed to hand over the case diary in Crime No.64 of 2016 to the said case to the Deputy Commissioner of Police, Central Crime Branch, who shall, in turn, allot the case to a competent officer in the rank of Inspector of Police in Central Crime Branch for investigation. After completing investigation, the investigating officer, CCB, is permitted to file appropriate final report before the Judicial Magistrate No.II, Tirupur. Consequently, connected MP is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

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To

1.The Judicial Magistrate No.II,
Tirupur,
Tirupur District.

2.The Deputy Commissioner of Police,
CCB, Tirupur District.

3.The Inspector of Police,
Tirupur South Police Station,
Tirupur Town, Tirupur.

4.The Public Prosecutor,
High Court,
Madras 600 104.

+1cc to Mrs.Selvi George, Advocate, S.R.No.59303

Cr1.O.P.No.22149 of 2016

CP(CO)
CA(17/11/2016)



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