

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2016

C O R A M

THE HONOURABLE Mr.JUSTICE P.VELMURUGAN

Crl.O.P.No.22439 of 2016

S.Muthumathi

... Petitioner

Vs.

The Inspector of Police,
Central Bureau of Investigation,
Anti-Corruption Branch,
3rd Floor Shastri Bhavan,
26, Haddows Street,
Chennai.

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, praying to direct the respondent not to harass the petitioners in the Blanket of enquiry and to hold fair enquiry in the lights of law and justice if the petitioner required for enquiry in Crime No.Not known of 2016.

For petitioner : M/s.L.Infant Dinesh

For respondent : Mr.P.Govindarajan
Additional Public Prosecutor

O R D E R

This petition has been preferred by the petitioner before this Court by invoking the Section 482 of Cr.P.C., to direct the respondent not to harass the petitioners in the Blanket of enquiry and to hold fair enquiry in the lights of law and justice if the petitioner required for enquiry in Crime No.Not known of 2016.

2. The facts of the case are as follows:

The petitioner was working as Postal Assistant, Head Post Office, Karaikudi. During the period of 2015-2016, in conspiracy with unknown persons, the petitioner misappropriated the funds of the Postal Department amounting to Rs.1,11,83,973/- by manipulating and making false entries in the computer system by abusing her official position and caused loss to the Government Exchequer. Based on the reliable information given by the official a case was registered on 20.05.2016 in RC-MA1-2016-A-0016 under Section 120-B r/w 420,

468, 477A IPC and Sections 13(2) r/w 13(1) (d) of Prevention of Corruption Act, 1988 and the same is pending before the learned Special Judge for CBI Cases, Madurai.

3. The learned counsel appearing for the petitioner submitted that in the Postal Head Office, there were money appropriated by the office staff and for that issue, the petitioner was included along with the office staffs and enquiry was done by North Karaikudi Police Station, Sivagangai. Since, the petitioner was pregnant she could not co-operate with the enquiry and hence she filed a petition in CrI.O.P.No.7916 of 2016 for granting anticipatory bail and the same was granted on 26.05.2016. He further submitted that on 17.09.2016 at 02.30 p.m., the petitioner received phone call from CBI office that she would appear on 20.09.2016 at 10.00 a.m., for enquiry before Mr.Sadagopan, Inspector CBI, Shastri Bhavan, Nungambakkam, Chennai. Accordingly, on the day, the petitioner along with her husband appear before the Inspector and on enquiry the respondent-police harassed the petitioner and her husband by abusing filthy language, hit her and forced to accept the case. He further states that the petitioner left 55 days born baby to her mother outside the CBI office and till 06.30 p.m., they never allowed the petitioner to feed the milk to the baby. When the petitioner requested, they refused and said 'nothing will happen for one day for not feeding' and abused the petitioner. Thereafter, on 23.09.2016, the petitioner lodged a complaint before the Commissioner Office, Chennai and since the same was taken on file in C.No.4401 of 2016, no action was taken till date. In the mean time, the summon was issued by the the respondent/police to appear for enquiry on 30.09.2016 at 10.00 a.m. Hence, for apprehending the petitioner, this petition is filed for not to harass.

4. The Learned Additional Public Prosecutor has filed a counter by stating that the petitioner was misappropriate of Rs.1,11,83,973/- by manipulating and making false entries in the computer system by abusing her official position and caused loss to the Government Exchequer. The petitioner withdrew amount of Rs.34,72,000/- from the above said amount without the knowledge of the account holders using the ATM cards fraudulently obtained by her, by forging the signatures of the account holders of silent/dormant accounts and also by using withdrawal slips of the post office, SB account in conspiracy with unknown persons. The CBI is always adopting Scientific methods. During the course of interrogation, they were neither harassed nor abused or assaulted and they were given proper break for feeding the child, for lunch and tea as and when demanded by them. This petition is filed only to delay the process of law and not co-operating with investigation. The learned Additional Public Prosecutor submitted that the investigation was completed and charge

sheet is also ready to file before the concerned Court. Hence, this petition may be dismissed.

5. Heard both sides and perused the material available on records.

6. Considering the submissions made on both sides and taking note of the facts that the petitioner, who is the main accused has misappropriated money a sum of Rs.1,11,83,973/- by manipulating and making false entries in the computer system by abusing her official position and caused loss to the Government Exchequer and the investigation was completed and the charge sheet is also ready to file before the concerned Court, therefore at this state the investigation agency no need to harass the petitioner. Under the said circumstances, this Court is not inclined to allow the petition. Accordingly, this Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

ub

To

The Inspector of Police,
Central Bureau of Investigation,
Anti-Corruption Branch,
3rd Floor Shasthri Bhavan,
26, Haddows Street,
Chennai.

+1cc to M/s.L.Infant Dinesh, Advocate, S.R.No.62409

CrI.O.P.No.22439 of 2016

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