

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.2765 of 2016

P.Govindarajan

.. Petitioner

Vs.

1. The Inspector of Police,
District Crime Branch,
Tiruppur.

2. The Superintendent of Police,
Central Bureau of Investigation,
Madras.

.. Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to transfer the investigation of FIR No.22 of 2013 dated 24.08.2013 from District Crime Branch, Tiruppur to Central Bureau of Investigation, Madras or to any other appropriate Investigating Authority.

For Petitioner :Mr.K.Rajasekaran
For Respondents :Mr.C.Emalias
Addl. Public Prosecutor

O R D E R

The petitioner has come forward with this petition seeking for a direction, directing the respondents to transfer the investigation in Cr. No.22 of 2013 dated 24.08.2013 from District Crime Branch, Tiruppur to Central Bureau of Investigation, Madras or to any other appropriate Investigating Authority.

2.Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor for the respondents. As per the order of this Court dated 01.03.2016, the respondent/Investigating Officer is present before this Court today.

3.The learned counsel for the petitioner submitted that on the basis of the petitioner's complaint, a case in Cr.No.22 of 2013 has been registered for the offence under Section 420 of

IPC by the respondent police. He would submit that the petitioner has placed an order to the accused for supply of SABIC R50035 LLDPE Raw materials on 09.06.2013 and paid the amount for the said consignment, but through cargo, he had received only calcium granuals. He further submits that since the entire transaction was made only through online, Cyber Crime alone is the Competent Authority to investigate the matter. Hence, he prayed to transfer the investigation in Cr.No.22 of 2013 to Central Bureau of Investigation, Madras.

4.Resisting the same, the learned Additional Public Prosecutor filed a status report stating that on the basis of the petitioner's complaint, enquiry was conducted by the respondent police and on enquiry, it came to know that petitioner has been cheated to the tune of Rs.18,29,169/- in respect of the cargo transaction i.e., the petitioner has placed an order for SABIC R50035 LLDPE Raw materials as per the Performa Invoice dated 09.06.2013 whereas the goods received on cargo are only calcium granuals. Since the amount has already been paid by the petitioner, the case has been registered by the respondent police under Section 420 of IPC and investigation is going on. He further submitted that the accused/consignee is at China and during investigation, eight witnesses were examined and investigation is going on and hence, it is not a fit case for transfer to Central Bureau of Investigation, Madras. It is also submitted by the learned Additional Public Prosecutor that the investigation is pending for transfer to Cyber Crime Cell for further investigation and therefore, prayed for dismissal of the petition.

5.Considering the fact that the first respondent himself in para 7 of his status report fairly concedes that the case is pending for transfer to Cyber Crime Cell for further investigation and it is also pertinent to note that the accused is hailing from China, the respondents are directed to transfer the case dairy immediately to Cyber Crime, CBCID, who shall investigate the matter and file a final report as expeditiously as possible.

6.The Criminal Original Petition is disposed of with the above direction.

DP

s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

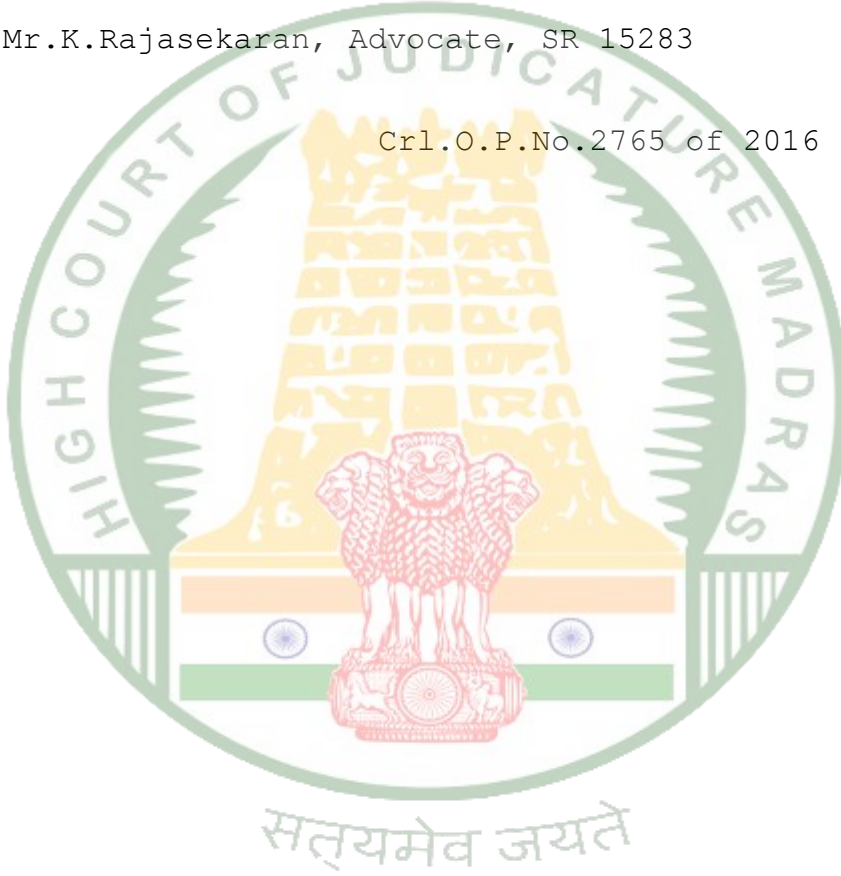
To

1. The Inspector of Police,
District Crime Branch,
Tiruppur.
2. The Superintendent of Police,
Central Bureau of Investigation,
Madras.
3. The Public Prosecutor
High Court, Chennai.

+ 1 cc to Mr.K.Rajasekaran, Advocate, SR 15283

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