

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2016

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.O.P. No.7503 of 2016

Gopi

... Petitioner

Vs

1.The State rep by
The Commissioner of Police
Vepery, Chennai.

2.Deputy Commissioner of Police
O/o Commissioner of Police Campus
CCB, Vepery, Chennai.

... Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondent to register the petitioner's complaint dated 08.03.2016 and to investigate the same.

For petitioner : Mr.R.Thirumoorthy

For Respondents : Mr.C.Emalias
Additional Public Prosecutor

O R D E R

This petition has been filed to direct the respondent to register the petitioner's complaint dated 08.03.2016 and to investigate the same.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State.

3. It is seen that this petitioner gave a representation dated 07.03.2016 to the Commissioner of Police, wherein he has stated that he had applied for the post of Conductor in the Tamil Nadu State Transport Corporation and after interview, he was approached by one Ashokan who claimed himself to be the brother of Senthil Balaji, then Minister, and one Karthik, who claimed himself to be the brother-in-law of the said Minister and that they demanded bribe from the petitioner. It is admitted by the petitioner that he gave an amount of Rs.2,40,000/- [Rupees two lakhs forty thousand only] to the said persons, but he has not stated the date on which he gave the money. Since the police did not conduct enquiry on the complaint of the petitioner, he has approached this Court for

a direction to the respondent police to register an FIR on the basis of his complaint.

4. When the matter was taken up for hearing, learned Additional Public Prosecutor submitted that about 81 people have given complaint to the police, alleging that monies were paid to various brokers for getting appointment as Conductor and Driver in the Tamil Nadu State Transport Corporation and that on the complaint given by one Devasagayam, the police have registered a case in Cr.No.441/2015 for offences u/s 406, 420 r/w 34 IPC.

5. Learned Additional Public Prosecutor submitted that this petitioner is one of the 81 persons and he would be enlisted as a witness in the prosecution.

6. Learned counsel for the petitioner submitted that the police have collected the complaints from individual persons and had seen to it that the name of the Minister does not figure in the complaint in order to shield the Minister. This Court called for the case diary and found the complaint dated 04.04.2015 given by the petitioner in writing to the police, wherein, the name of the Minister figures. Therefore, the contention of the learned counsel for the petitioner that the complaints were obtained by screening the name of the Minister cannot be countenanced.

7. Learned counsel further contended that the said Devasagayam, on whose complaint the FIR has been registered has somersaulted, because he has been won over by the accused. In the considered opinion of this Court, that cannot absolve an accused from criminal liability just because the de facto complainant had joined hands with the accused. After giving the complaint dated 04.04.2015, this petitioner has sent the present representation dated 07.03.2016 in a representative capacity with the signature of other victims. As stated earlier, even in the representation dated 07.03.2016, the petitioner has merely stated that a sum of Rs.2,31,20,000/- was given to the Minister during January and March 2015, but has not given the date on which the amount was handed over, which is very crucial in a case of receipt of illegal gratification under the provisions of Prevention of Corruption Act.

8. Learned Additional Public Prosecutor further submitted that about 12 persons have been arrested in this case and investigation is going on in full progress.

9. It is the grievance of the learned counsel for the petitioner that the police are not going beyond the low level officers in order to find out where the money trail ends.

10. This Court is of the view that it is the duty of the police to probe beyond the lower level minions and find out as to where the huge sum of rupees two crores has gone.

11. Under such circumstances, this Court directs the Assistant Commissioner of Police, Central Crime Branch, (Job Racketing) to take over the investigation in X Cr.No.441 of 2015 and the Deputy Commissioner of Police, Central Crime Branch is directed to monitor the same. Since an FIR has already been registered, it is not necessary to have another FIR registered either on the complaint dated 04.04.2015 or the representation dated 07.03.2016 given by the petitioner.

With the above direction, this petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

gms

To

- 1.The Commissioner of Police
Vepery, Chennai.
- 2.The Deputy Commissioner of Police
O/o Commissioner of Police Campus
CCB, Vepery, Chennai.
- 3.The Assistant Commissioner of Police,
CCB (Job Racketing),
Chennai 07.

- 4.The Public Prosecutor,
High Court, Chennai.

+1cc to Mr.R.Thirumoorthy, Advocate, S.R.No.34273

Cr1.O.P.No.7503 of 2016

PA(CO)
CA(01/07/2016)