



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.08.2016

CORAM:

WEB COPY

THE HONOURABLE DR. JUSTICE S.VIMALA

Crl.O.P.(MD).No.6659 of 2016

S.Chandrasekar (Proprietor),
M/s.Shri Chamundi Baking Equipments,
252, Perumal Koil Street,
Annal Agraharam PO,
Kumbakonam.

.. Petitioner

-Vs-

1.The Superintendent of Police,
District Crime Branch,
Thanjavur.

2.The State rep. by the
Inspector of Police,
District Crime Branch,
Thanjavur District.
(Crime No.20/2015)

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the first respondent herein to conduct the investigation in Crime No.20 of 2015 on the file of the 2nd respondent herein or by directing investigation by the cyber crime branch which has special computer knowledge in the manner known to law and further direct to file final report within a stipulated time.

For Petitioner

: Mr.T.Balaji

For respondents

: Mr.A.P.Balasubramani,
Government Advocate
(Criminal side)

ORDER

It is an application seeking transfer of the investigation in Crime No.20 of 2015 from the file of the second respondent to the file of Cyber Crime Cell, Chennai.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondents.



3.The learned counsel for the petitioner would submit that on 17.06.2015 a sum of Rs.29,50,000/- has been taken away from the accounts maintained by the petitioner with a bank through on-line process without his knowledge; the Cyber Crime Cell will have the special computer knowledge and technology to investigate in a scientific way; and therefore, the case may be transferred to Cyber Crime Cell.

4.The learned Government Advocate (Criminal Side) would submit that the second respondent police is taking earnest efforts to trace out the accused.

5.The main reasons for which the petitioner sought for transfer of the investigation has been detailed in the affidavit filed in support of the petition as follows;

(i)The respondent Police is not yet able to fix the owner of Mobile No. in which OTP (One Time Password) was transmitted;

(ii) The respondent Police is not able to fix the offenders of the Tamil Nadu Mercantile Bank who are responsible for changing the Mobile No. to enable the fraudulent transactions;

(iii) The respondent Police though were known the actual account No., name of the bank, name of the account holder, etc. by which money was taken, they are not able to secure the money of the petitioner; and

(iv)The respondent Police are not equipped with the technical knowledge to trace the computer through which fraudulent operations were made.

6.It is not in dispute that it is a only Cyber Crime Cell which is equipped with infrastructure, knowledge and skill to crack this kind of cases. Under such circumstances, the investigation in Crime No.20 of 2015 pending on the file of the 2nd respondent Police is ordered to be transferred to the file of the Assistant Commissioner of Police, Cyber Crime Cell, Chennai.

7.This Criminal Original Petition is accordingly disposed of.

Sd/-
Assistant Registrar (C.S.II)

/True Copy/



To

1.The Superintendent of Police,
District Crime Branch,
Thanjavur.

2.The Inspector of Police,
District Crime Branch,
Thanjavur District.

3.The Assistant Commissioner of Police,
Cyber Crime Cell, Chennai.

4.The Addl. Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 cc to Mr.T.Balaji, Advocate in SR No.46700/2016

Cr1.O.P (MD) No.6659 of 2016
23.08.2016

gcg

anr/ss2/25.10.2016/3p/6c