

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.09.2017

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THE HON'BLE MR.JUSTICE **P.N.PRAKASH, J.**

Crl.O.P.No.22527 of 2015

G. Ramachandran
...Petitioner

Vs.

- 1.The Joint Director,
Central Bureau of Investigation,
IIIrd Floor, E.V.K. Sampath Buildings,
College Road, Chennai-600 006.
- 2.The Superintendent of Police,
Thiruvallur Taluk,
Thiruvallur District.
- 3.State Rep.by
The Inspector of Police,
B2, Pattarauperumbudur,
Kadambathur (via), Tiruvallur Taluk-631 203.
- 4.The Inspector of Police,
District Crime Branch,
Pattarauperumbudur,
Thiruvallur District.

(The forth respondent is impleaded as
per the order of this Court dated 11.3.16
made in Crl.M.P.No.2814/16 in Crl.O.P
No.22527/15)
...Respondents

Prayer: This Criminal Original Petition has filed under Section 482 of Criminal Procedure Code, praying for a direction to direct the 3rd respondent to transfer investigation pending before the first respondent relating to FIR No.21 of 2014, deal with the matter as per law.

ORDER

On 01.02.2017, this Court passed the following order:

"One Ramachandran, a farmer had approached Kannan Iyer, who was the Branch Manager, Central Bank of India, Pattaraiperumanthur Branch, Tiruvallur District, for mortgage loan. Kannan Iyer sanctioned a loan of Rs.1,70,000/- and had taken Rs.30,000/- as commission. Thereafter, it came to the knowledge of Ramachandran, that a sum of Rs.10,00,000/- was sanctioned as loan by Kannan Iyer and he has misappropriated the sanctioned amount. When Ramachandran came to know of this and contacted Kannan Iyer, the latter had given a cheque for Rs.12,00,000/-, which was dishonoured.

2. It appears that Kannan Iyer, adopting the same modus operandi, has cheated about 13 persons, excluding Ramachandran. On the complaint of Ramachandran and 13 others, the District Crime Branch, Tiruvallur, registered a case in Cr.No.21 of 2014 under Sections 406 and 420 IPC against Kannan Iyer. It is relevant to state here that Kannan Iyer was working as a Branch Manager in a Nationalised Bank and after registration of FIR, he was suspended from service and thereafter, he is in abscondance.

3. Kannan Iyer filed Crl.O.P.No.13755 of 2016 for anticipatory bail, which was dismissed by this Court in 05.08.2016. Ever after the dismissal of the anticipatory bail application, the respondent police did not take any steps to proceed further with the investigation and therefore, Ramachandran, the de facto complainant, has filed the present petition in Crl.O.P.No.22527 of 2015, for transfer of investigation from the file of the District Crime Branch, Tiruvallur, to the file of the Central Bureau of Investigation.

4. During the course of previous hearings of this transfer application, Mr.K.Ranganathan, Inspector of Police, District Crime Branch, Tiruvallur District, filed a status report detailing the steps that the State police are taking for proceeding further in the investigation and for nabbing Kannan Iyer. The State police pleaded that if sufficient time is given to them, they will be able to complete the investigation satisfactorily and therefore, they prayed that this Court may not transfer the case to the CBI.

5. Accepting the submission made by the State police on the earlier occasions, this Court has been adjourning this case from time to time and monitoring the investigation. The State police formed a special team headed by Mr.I.Khadhar Bhatsha, Deputy Superintendent of Police and six others for nabbing Kannan Iyer, who is said to be hiding in Mumbai.

6. Today, when the matter was taken up for hearing, Mr.I.Khadhar Bhatsha, Deputy Superintendent of Police, is present. He also produced the case diary for the perusal of this Court.

7. On a perusal of the case diary, this Court finds that the State police were camping in Mumbai for apprehending Kannan Iyer and at that time, Kannan Iyer's wife, Jayashree, is said to have given a complaint to the Senior Inspector of Police, Mulund Police Station, Mumbai, making allegations against the Deputy Superintendent of Police and his team. The case diary produced by the police shows that the police were covertly monitoring the activities in and around the residence of Kannan Iyer in cognito for apprehending him, despite which, such a complaint has been filed against them in the local police station by Kannan Iyer's wife Jayashree. Thus, it is obvious that Kannan Iyer's family members are attempting to shield him from legal process.

8. Mr.I.Khadhar Bhatsha, DSP, District Crime Branch, appears to have given a written explanation to the Senior Inspector of Police, Mulund Police Station, Mumbai, in response to the complaint given by Kannan Iyer's wife Jayashree. It is the duty of the police of one State to render all assistance to the police of another State in matters of investigation. The Senior Inspector of Police, Mulund Police Station, Mumbai may bear this in mind and provide sufficient assistance to Mr.I.Khadhar Bhatsha, DSP, District Crime Branch and his team, when they come there for investigation.”

2. Today, when the matter was taken up for hearing, Mrs.R.Mageshwari, Sub Inspector of Police, District Crime Branch, is present. On instructions, learned Additional Public Prosecutor submitted that Kannan Iyer was arrested by the police and was remanded to judicial custody on 24.03.2017. Thereafter, he was released on bail by the orders of the Judicial Magistrate No.1, Thiruvallur on condition that he should report before the respondent police regularly.

3. In view of the above, this petition is closed with a further direction to the respondent police to complete the investigation in Cr.No.21 of 2014 within a period of three months from the date of receipt of a copy of this order.

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To

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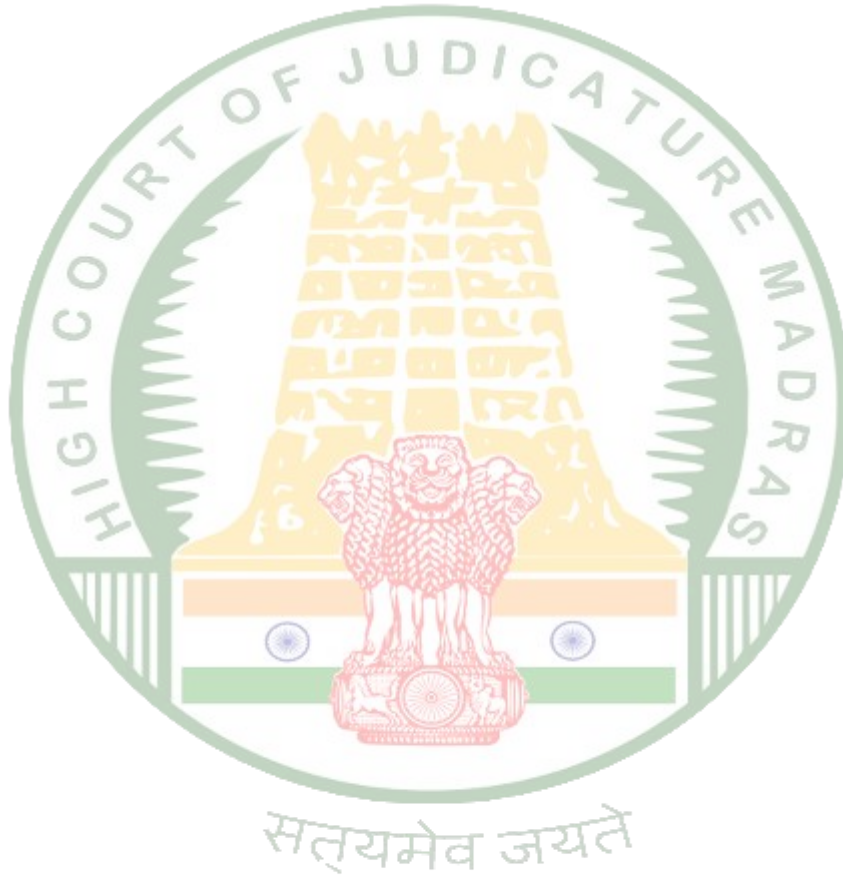
P.N.PRAKASH, J.

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