

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2017

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.27439 of 2017

P.Kamala Kannan

... Petitioner

Vs.

1. The Home Secretary
Government of Tamil Nadu,
Secretariat,
Fort St. George,
Chennai – 600 009.
2. The Additional Director General of Police,
Human Rights and Social Justice
Police Head Quarter,
Kamarajar Salai,
Mylapore, Chennai – 600 004.
3. The Superintendent of Police,
District Police Office,
Dharmapuri District,
Dharmapuri.
4. The Inspector of Police,
District Crime Branch,
Dharmapuri.
5. The Superintendent of Police,
Central Bureau of Investigation,
Shastri Bhavan,
Nungambakkam,
Chennai.

WEB COPY

6. The Inspector of Police,
Central Bureau of Investigation,
Shastri Bhavan,
Nungambakkam,
Chennai.

7. The Chief Vigilance Officer,
Repco Bank,
Repco Towers,
No.33, North Usman Road,
T.Nagar, Chennai – 600 017.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to issue a direction to transfer the case to the Central Bureau of Investigation, the 6th respondent in Crime No.9 of 2017 on the file of the 4th respondent as per the Vigilance Manual 2017 on the petition of the petitioner dated 16.11.2017.

For Petitioner : Mr.S.Radhakrishnan

For Respondents 1 to 4 : Mr.P.Govindarajan
Additional Public Prosecutor

For Respondents 5 & 6 : Mr.K.Srinivasan
Special Public Prosecutor

ORDER

This Criminal Original Petition is filed for a direction to transfer the case to the Central Bureau of Investigation, the 6th respondent in Crime No.9 of 2017 on the file of the 4th respondent as per the Vigilance Manual 2017, on the petition of the petitioner dated 16.11.2017.

2. Based on the complaint given by the Chief Vigilance Officer of Repco Bank to the Director General of Police, who has forwarded the petitioner to the 4th respondent to register the complaint in Crime No.9/2017 for the alleged offences under Sections 409, 420, 423, 467, 468 and 477(A) IPC and investigated the same.

3. The present petition is filed by the accused seeking a direction of this Court to transfer the case to CBI/ 6th respondent.

4. Learned counsel appearing for the petitioner submitted that as per the Vigilance Manual of the third respondent department, bank fraud cases involving above three crores up to fifteen crores shall be transferred to CBI to investigate where staff involvement is *prima facie* evident. Hence, the learned counsel for the petitioner submitted that since the money involved in this case as per the complaint is Rs.6.76 crores, the District Crime Branch is not the competent authority to investigate the case.

5. This Court finds no merit in this petition for the simple reason that it is only an First Information Report based on the

Vigilance Officer of Repco Bank. The 4th respondent has taken the complaint on file and registered the complaint. Hence, it is for the investigation agency to find out in the course of the investigation whether it requires investigation by CBI or not. The manual of the Vigilance Department is only guidance and it cannot be pressed into service as matter of right at the instance of the accused. The investigating agency in the course of investigation, depending upon the gravity of the crime may decide whether it requires CBI investigation or not. To transfer the investigation to the Central Bureau of Investigation as prayed in the petition is uncalled for. Therefore, the Criminal Original Petition is dismissed.

13.12.2017

AT

Index: Yes/No

Issue order copy by 13.12.2017

सत्यमेव जयते

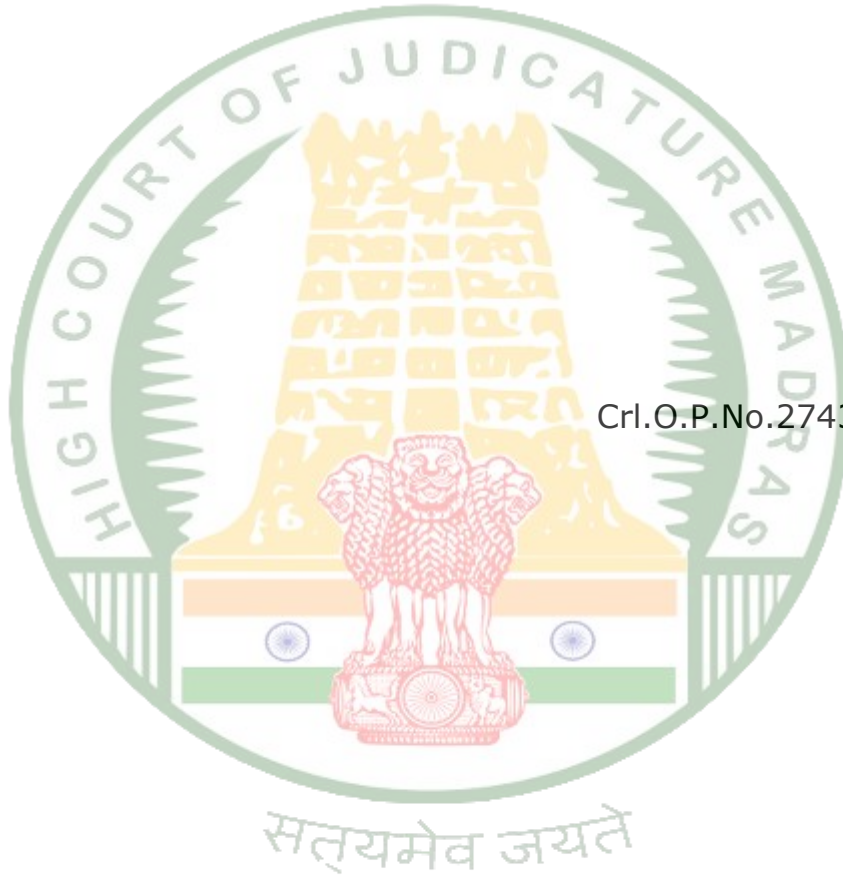
WEB COPY

To

1. The Home Secretary
Government of Tamil Nadu,
Secretariat,
Fort St. George,
Chennai – 600 009.
2. The Additional Director General of Police,
Human Rights and Social Justice
Police Head Quarter,
Kamarajar Salai,
Mylapore, Chennai – 600 004.
3. The Superintendent of Police,
District Police Office,
Dharmapuri District,
Dharmakpuri.
4. The Inspector of Police,
District Crime Branch,
Dharmapuri.
5. The Superintendent of Police,
Central Bureau of Investigation,
Shastri Bhavan,
Nungambakkam,
Chennai.
6. The Inspector of Police,
Central Bureau of Investigation,
Shastri Bhavan,
Nungambakkam,
Chennai.
7. The Chief Vigilance Officer,
Repco Bank,
Repco Towers,
No.33, North Usman Road,
T.Nagar, Chennai – 600 017.

Dr.G.JAYACHANDRAN,J.

AT



Crl.O.P.No.27439 of 2017

WEB COPY

13.12.2017