

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2017

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THE HON'BLE MR.JUSTICE A.D. JAGADISH CHANDIRA

CrI.O.P.No.26443 of 2012

Mr. Chandra Prakash Gagoria

... Petitioner

Vs

1. The Commissioner of Police,
The Commissioner Office,
Greater Chennai, Egmore,
Chennai-600 008.

2. The Inspector of Police,
E-4, Abiramapuram Police Station,
Chennai.

3. The Inspector of Police,
CBCID,
Economics Offence,
Egmore, Chennai
(Crime No.810/2012)

... Respondents

सत्यमेव जयते

Criminal Original Petition filed under Section 482 Cr.P.C directing the 1st respondent to transfer the FIR No.810 of 2012, dated 11.07.2012 pending on the file of the 2nd respondent to the file of 3rd respondent for investigation of the same and consequently direct the 3rd respondent to file final report within a specified period of time.

For Petitioner : M/s.Vijayalakshmi Rajaratnam

For Respondents : Mr.J.Karuppiah,
Additional Public Prosecutor

ORDER

This petition has been filed by the petitioner/complainant to transfer the FIR No.810 of 2012 dated 11.07.2012 pending on the file of the 2nd respondent to the file of 3rd respondent for the investigation of the same and consequently direct the 3rd respondent to file final report within a specified period of time.

2. On the complaint given by the complainant, the case in Crime No.810 of 2012 was registered by the first respondent for the offences under Sections 406 and 420 IPC. Though the case has been registered during the year 2012, it has been submitted by the learned Additional Public Prosecutor that since the 2nd respondent has no pecuniary jurisdiction to investigate the case he was unable to proceed further. Today, the learned Additional Public Prosecutor produced the communication from the first respondent stating that the pecuniary jurisdiction for Central Crime Branch was demarcated to investigate the cases wherein the amount involved Rs.25 lakhs and above was fixed vide the communication under reference No. CPO Order No.1522/2011 in Rc.No.168/70350/Crime (1)/2011 dated 12.07.2011. Subsequently, in

modification of the order issued under reference cited, the amount involved in the cases handled by Central Crime Branch has been increased from the existing Rs.25 lakhs to Rs.50 lakhs and that the cases in which the amount involved less than Rs.50 lakhs are to be investigated by the Crime Section of the local police under the direct supervision of the Assistant Commissioner of Police, except special cases or those specifically directed.

3. Without going into the merits of the case, the amount stated to be involved in the complaint is about Rs.92,66,445/- which is beyond the pecuniary jurisdiction of the Assistant Commissioner of Police. When such is the matter, the 2nd respondent should have taken steps immediately to take appropriate orders from the first respondent to transfer the case to continue with the further investigation which has not been done in this case. This Court also takes serious view of the delay by the 2nd respondent in not promptly taking steps to get appropriate orders to transfer the case for want of jurisdiction and brooding over the file. The 2nd respondent is directed to hand over the file in F.I.R No.810/2012 immediately to the 1st respondent. The 1st respondent is directed to issue suitable instructions to Officers below so that similar cases may be dealt in an expeditious manner for effective investigation hereinafter.

4. Though the Inspector of Police, CBCID, Economic Offences is cited as

the 3rd respondent, the learned counsel for the petitioner submits that it is suffice that the case may be transferred to the file of the Central Crime Branch and the

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investigation may be monitored by the Assistant Commissioner of Police. Hence the case is directed to be transferred to the file of the 1st respondent and the investigation be entrusted to the Central Crime Branch, Chennai City Police and the concerned Investigating Officer is directed to complete the investigation and file the final report preferably within a period of six months from the date of receipt of a copy of this order by the respondents.

5. With the above direction, the Criminal Original Petition stands disposed of.

18.08.2017

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Index : Yes
Internet: Yes
To

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3. The Inspector of Police,
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Chennai.

WEB COPY

4. The Inspector of Police,
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