



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2017

CORAM:

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

CRL.OP.(MD) No.11314 of 2017

WEB COPY

Francis

... Petitioner

Vs.

1. The Superintendent of Police,
Nagercoil,
Kanyakumari District.

2. The Inspector of Police,
District Crime Branch,
Kanyakumari District.
(in Crime No.29 of 2014).

3. The Deputy Superintendent of Police,
C.B.C.I.D.
Tirunelveli District.

... Respondents

PRAYER: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to transfer the investigation of the case in Cr.No.29 of 2014 pending on the file of the District Crime Branch to any other independent agency or officer preferably the third respondent and for a further direction to file a final report within a reasonable time period to be fixed by this Court.

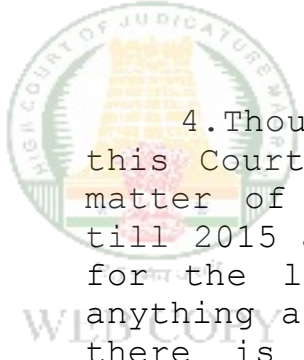
For Petitioner	: Mr.N.Dilip Kumar
For Respondents	: Mr.K.Anbarasan Government Advocate

ORDER

The Criminal Original Petition has been filed to transfer the investigation of the case in Cr.No.29 of 2014 pending on the file of the District Crime Branch to any other independent agency or officer preferably the third respondent and for a further direction to file a final report within a reasonable time period to be fixed by this Court.

2.Heard, learned counsel appearing for the petitioner and the learned Government Advocate, appearing for the respondents.

3.The petitioner has given a criminal complaint for defrauding the petitioner to the tune of Rs.19,00,000/- (Rupees nineteen lakhs) under the promise of attractive returns. Though, a case was registered in Crime No.29 of 2014, there is no progress. Hence the present petition has been filed.



4. Though, a status report was filed by the second respondent, this Court is not able to find any progress in this case. As a matter of fact, there was a reference to some court proceeding till 2015 and absolutely there was no justification or explanation for the long delay. Surprisingly, this report does not reveal anything after 21.08.2015. Hence, it can be taken that absolutely there is no justification for the delay in the process of investigation and it is admitted that there was no investigation in this case.

5. Hence, this Court is fully convinced that this case is a fit case to transfer the investigation to some other investigation agency. Having regard to the facts and circumstances of this case, the first respondent is directed to transfer the investigation to some other independent investigation agency or to other officer of his choice, under his supervision, forthwith. Upon transfer of the investigation to the independent agency or the officer, appointed by the first respondent, he shall complete the investigation and file final report as expeditiously as possible, preferably within a period of six months from the date of transferring of investigation.

6. This Criminal Original Petition is allowed accordingly.

Sd/-

Assistant Registrar (Crl Side)

/True copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Nagercoil,
Kanyakumari District.
 2. The Inspector of Police,
District Crime Branch,
Kanyakumari District.
 3. The Deputy Superintendent of Police,
C.B.C.I.D.
Tirunelveli District.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- + 1 CC TO MR.N.Dilip Kumar , ADVOCATE IN SR No.76380
Cmr/dss
MK/SV MMS/SAR-4/2P/6C/18.09.2017