



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.11.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL OP (MD) No.11933 of 2017

S.Prakash Nagarethinam

... Petitioner

Vs.

1. The Superintendent of Police,
Trichy District, Trichy.

2. The State rep. by,
The Inspector of Police,
Kattuputhur Police Station,
Trichy District.

3. The Deputy Superintendent of Police,
Musiri Range,
Trichy District.

4. The Deputy Superintendent of Police,
C.B.C.I.D., Trichy.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to transfer the investigation in Crime No.233 of 2017 from the second respondent to the fourth respondent or any other independent agencies.

For Petitioner : Mr.A.Amal Antony

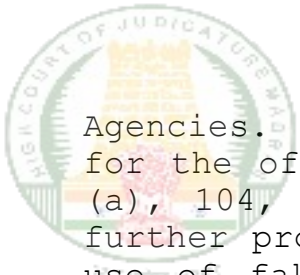
For Respondents : Mr.K.S.Durai Pandiyan,
Additional Public Prosecutor.

O R D E R

This Criminal Original petition is filed for transferring the investigation in Crime No.233 of 2017 from the file of the second respondent to the file of the fourth respondent or any other independent agencies.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. The petitioner who is the Regional Manager of a Company by name, Avon Plastic Industries Private Limited, lodged a complaint that some fake products duplicating the products of Avon Plastic Industries Private Limited are distributed by one Sri Vinayaga



Agencies. Though the case was registered in Crime No.233 of 2017 for the offences under Sections 420, 476 of I.P.C., and 29, 102(1) (a), 104, 105 of Trade Marks Act, it is stated that there was no further progress and no one connected with regard to the supply and use of fake P.V.C. Pipes by various local bodies is enquired or arrested. Even the details regarding volume of the business, the suppliers of fake products were not collected by the second respondent. It is in these circumstances, learned counsel for the petitioner made a submission about the telephonic conversation he had with the responsible police officer in relation to the complaint.

4. Hence, this Court directed the learned counsel for the petitioner to file an affidavit. In the affidavit, the learned counsel for the petitioner demonstrated that the contention of the petitioner about the conduct of respondents 2 and 3 are correct.

5. It is to be noted that some private dealers are marketing duplicate, fake and under quality substandard plastic P.V.C. Pipes just for the purpose of wrongful gain. The offences which are committed by the individuals are against the public. Some bad quality and substandard products are made use of by local bodies and the persons who have marketed have gained unlawfully by making huge profit for substandard products, the price of which is very low, when compared to the products of genuine manufacturers who are selling the same in their trade name with a good reputation.

6. Public at large are at risk due to the commission of fraudulent conduct of the persons who are involved in the crime. Despite the fact that this Court has given sufficient time to the respondents, a Status Report is not filed by the third respondent. This would clearly indicate that the investigation is not going in the right direction. In the said circumstances, it is a fit case and this Court should exercise its power to transfer the investigation in the interest of justice.

7. As a result, the Criminal Original petition is allowed and the investigation in Crime No.233 of 2017 is transferred from the file of the second respondent to the file of the fourth respondent. The second respondent is directed to hand over the case file along with the Status Report to the fourth respondent, forthwith and the fourth respondent shall proceed further with the investigation and to file a final report within a period of six months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (Records)

/True Copy/



1. The Superintendent of Police,
Trichy District, Trichy.

2. The Inspector of Police,
Kattuputhur Police Station,
Trichy District.

3. The Deputy Superintendent of Police,
Musiri Range, Trichy District.

4. The Deputy Superintendent of Police,
C.B.C.I.D., Trichy.

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 3 CC TO Mr.A.AMAL ANTONY, ADVOCATE IN SR No. 85496

PMU

TE/JC/SAR-3 : 23/11/2017 : 3P/9C

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