

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 20.02.2018
CORAM
THE HONOURABLE MR.JUSTICE M.S. RAMESH
Crl.OP No.3416 of 2018

S.P.Velayutham ..Petitioner
Vs

1. The Assistant Commissioner of Police,
Central Crime Branch, ALGSC - II,
Vepery, Chennai - 600 007.
2. The Central Bureau of Investigation,
Rep. by its Joint Director,
III Floor, EVK Sampath Building,
College Road, Chennai - 600 006. ..Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C, praying to transfer the investigation in Crime No.155 of 2014, on the file of the first respondent to the second respondent.

For Petitioner : Mr.N.R.Elango (Senior Counsel)
for M/s.K.Surendar

For Respondents : Mrs.Kritika Kamal.P
Government Advocate (Crl. Side)
for R1
Mr.K.Srinivasan
Special Public Prosecutor for CBI
cases for R2

O R D E R

The prayer sought for in the present petition is to to transfer the investigation in Crime No.155 of 2014, on the file of the first respondent to the second respondent.

2. One of the grounds raised by the petitioner, seeking for transfer of investigation is that even after the direction of this Court to file a final report, within a period of three months, there was no progress in the investigation.

3. The learned Senior Counsel appearing for the petitioner also submitted that an unbiased investigation by the first respondent was demoted.

4. When the petition came to be listed on 06.02.2018, the learned Government Advocate (Crl. Side) taken notice on behalf of the first respondent and accordingly the matter came to be

listed today.

5. Today when the matter was called, the learned Government Advocate (Crl. Side), on instructions, submitted that the petitioner's complaint came to be closed, on the ground that the complaint was civil in nature.

6. I am unable to comprehend as to how the first respondent can close the complaint, particularly when a petition has been filed before this Court seeking for transfer was pending in which, allegations have been made against the first respondent. I am constrained to observe that it was inappropriate on the part of the first respondent to take a such decision to close the complaint, when the transfer petition was pending before this court with allegations against the Investigating Officer. On this short ground, I am of the view that the petitioner's complaint needs to be enquired afresh.

7. In the result, the Criminal Original Petition stands allowed. The closure report of the first respondent dated 10.02.2018 is set aside. Consequently, the Deputy Commissioner of Police, Central Crime Branch, Chennai is directed to assign the investigation in Crime No.155 of 2014 to another investigating Officer, not lesser in the rank of an Assistant Commissioner of Police in the Central Crime Branch, within a period of one week from the date of receipt of a copy of this order. Upon such transfer, the newly assigned Investigating Officer shall conduct an appropriate enquiry, in accordance with law, and file a final report/charge sheet as expeditiously as possible.

Sd/-
Assistant Registrar(CS II)

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Sub Assistant Registrar

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To

1. The Assistant Commissioner of Police,
Central Crime Branch, ALGSC - II,
Vepery, Chennai - 600 007.
2. The Central Bureau of Investigation,
Rep. by its Joint Director,
III Floor, EVK Sampath Building,
College Road, Chennai - 600 006.

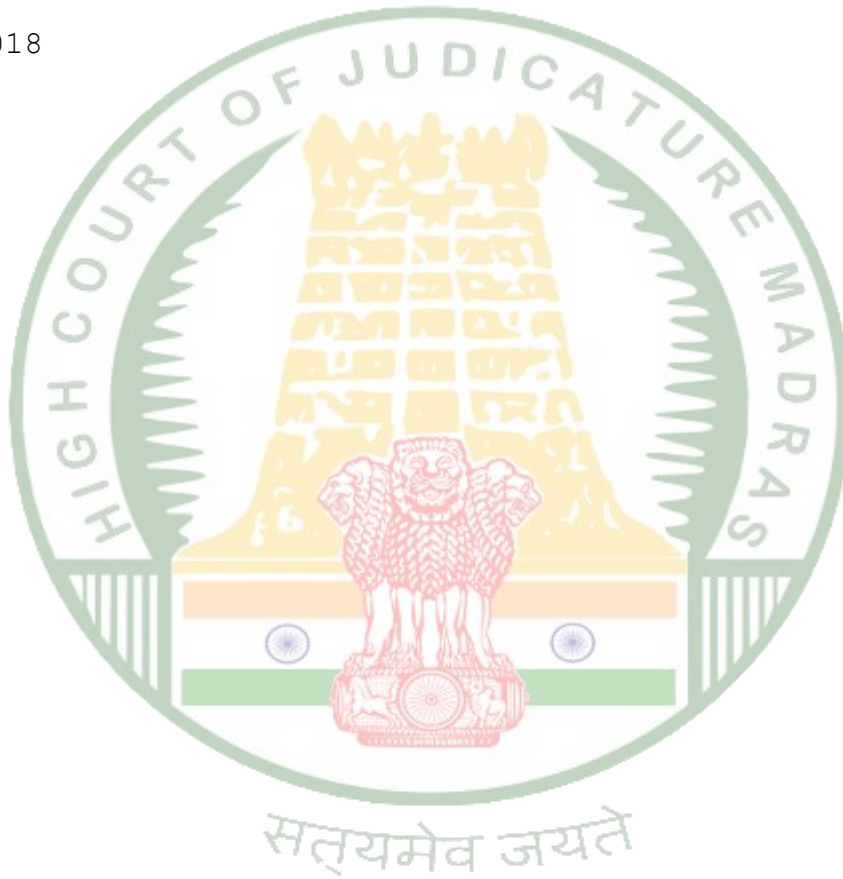
3. The Deputy Commissioner of Police
Central crime Branch
Chennai

4. The Public Prosecutor
High court Madras

+5 ccs to M/s.Surrender Advocate sr 12860

Cr1.OP No.3416 of 2018

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